

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1392 OF 2024

Tushar Nathu Jagtap ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 2388 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1392 OF 2024**

Madhukar Ratikant Jagtap ...Applicant

IN THE MATTER BETWEEN :

Tushar Nathu Jagtap ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Asif Chaware, Advocate for the Applicant.

Mr. Sandeep Phatak, Advocate for the Intervenor.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

Mr. B. K. Thakur, A.P.I. Bavdhan Police Station, present.

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**CORAM : N. R. BORKAR, J.
DATE : 13th JANUARY, 2025.**

P.C.:

1. This is an application for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No.249 of 2024 registered with Hinjewadi Police Station, Pimpri Chinchwad for the offences punishable under Sections 307, 326, 324, 323 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

3. There was a civil case pending between the family of the complainant and the family of the applicant before the Sub-Divisional Officer, Bavdhan, Pune. According to the prosecution, on the date of incident which took place on 05.03.2024, there was hearing of the said case and during the said hearing the complainant and applicant were present. It is alleged that after hearing of the case they came out and the present applicant started abusing the complainant. It is alleged that when the complainant was going towards his vehicle, the applicant picked up the stick and assaulted the applicant on his head. It is further alleged that the other co-accused who were with the applicant assaulted him by stone. In the supplementary statement recorded after two months of the incident, the complainant has stated that at the time of the incident, the applicant and the other co-accused were armed

with some sharp weapons and they attempted to kill him.

4. I have heard the learned counsel for the applicant, learned A.P.P for the Respondent-State and learned counsel for the complainant.

5. The learned counsel for the applicant submits that, due to civil litigation between the parties, the complainant has lodged the false complainant against the applicant and other co-accused. It is submitted that there are no other criminal antecedents against the present applicant. It is submitted that pursuant to the order passed by this Court dated 17.05.2024, the applicant has attended the concerned police Station.

6. On the other hand learned A.P.P for the Respondent State submits that the applicant is involved in serious offence of attempt to murder. It is submitted that the complainant was assaulted in the Court premises, which shows that the applicant has not fear of the law. It is submitted that the applicant is threatening the eye witnesses. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the injury certificate of the complainant. There are three injuries and all are of simple in nature. There are no criminal antecedents against the present applicant. Considering the over all facts and circumstances of the present case, I am inclined to release the applicant on anticipatory bail subject to certain conditions.

ORDER

- (i) Anticipatory Bail Application is allowed;
- (ii) In the event of arrest of the applicant in connection with Crime No.249 of 2024 registered with Hinjewadi Police Station, Pimpri Chinchwad for the offences punishable under Sections 307, 326, 324, 323 & 506 r/w Section 34 of IPC, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not enter into the limits of Village Sangavade, Taluka Maval, Dist. Pune till the conclusion of trial.
- (iv) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the Investigation.
- (v) The applicant shall not tamper with the prosecution evidence;

(vi) Anticipatory Bail Application is disposed of in the aforesaid terms.

(vii) In view of disposal of Anticipatory Bail Application, Interim Application does not survive and the same stands disposed of accordingly.

(N. R. BORKAR, J.)