

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1347 OF 2015

Dattatraya Kundlik Patil & 2 Ors

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.U.R. Mankapure for the Applicants

Mr.J.H. Ramugade, APP, for Respondent – State

Mr.A.B. Patil, Investigating Officer / PSI, Aatpati police station, Sangli – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 10, 2015**

P.C.:

1. This application is moved for bail as the applicants/accused are facing charges under sections 307, 143, 147, 148 and 149 of the Indian Penal Code. The incident of assault has taken place on 22.6.2015 at around 10 pm at a petrol pump. One Prabhakar Siddha Pujari, who is the injured, gave information to the police that the applicant/accused Dattatray Patil called him at night and then he alongwith others started assaulting him. Applicant/accused No.1 lifted one plank and hit on the head of the complainant. They all started assaulting him with fists and kicks. As per his case, Dattatray Patil assaulted him thrice on his head with that the wooden plank. One unknown person hit him on his tibia bone. Thereafter, all the applicants/accused ran away. All the accused were arrested on 23.6.2015. Hence this bail application.

2. The learned Counsel for the applicants/accused has submitted that the applicants/accused are falsely implicated in this case. The applicants/accused are in the prison since last 1½ months. They do not have criminal antecedents and police have seized the wooden planks and major portion of the investigation is over. Therefore, they are to be released on bail. He also mentioned that the injury certificate is not from the Government hospital and the complainant was discharged from the private hospital on the third day.

3. The learned Prosecutor has opposed the application. He relied on the statements of the witnesses who had mentioned about the role of Umesh Patil.

4. Perused the FIR, the statements of the witnesses. The name of the Prashant Patil is not taken by the witnesses whose statements are produced here. The role attributed to Dattatraya Patil is specific that he assaulted the complainant thrice with the plank on his head. Also perused the injury certificate of Dattatraya Patil, which is from a private hospital. It shows that there is a CLW on the occipital region of head. It is deep and grievous. Also, there is a mention that there is a wound over the temporal region. Thus, it shows that the applicant/accused Dattatray Patil has

assaulted the complainant. However, there are no criminal antecedents to the credit of the applicant/accused Dattatraya Patil and the incident of assault has taken place suddenly. It is not a pre-meditated crime. In view of this, I am inclined to grant bail, however, on the following terms and conditions:

- i) The applicant/accused Dattatraya Patil shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40000/-, with one or two sureties in the like amount;
- ii) The other two applicants/accused i.e., Umesh Bajirao Patil and Prashant @ Bablu Raosaheb Patil shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- each, with one or two sureties in the like amount;
- iii) The applicants/accused shall not tamper with the evidence;
- iv) The applicants shall not indulge into any kind of criminal activity, while on bail;
- v) The Applicant/accused Dattatraya Patil shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 4pm to 6pm, till filing of chargesheet.

vi) The other two applicants shall also cooperate with the Investigating Officer and attend the concerned police station, however, as and when called.

vii) In the event of change of address, the applicants/accused shall communicate all details thereof alongwith the contact numbers to the Investigating Officer.

viii) The applicants/accused shall attend on all the Court dates.

(MRS.MRIDULA BHATKAR, J.)