

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.743 OF 2015

1. Devidas Haluram Patil
2. Mr.Gorakshanath Balkrishna Patil ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.A.P. Mundargi, Sr. Adv. i/b Mr.N.N. Patil for the Applicant
Mr.Arfa Sait, APP, for Respondent – State
Ms.Pratibha A. Borade, for Intervener in APPP/352/2015
Mr.H.B. Kolsekar, API, Talaja police station, Navi Mumbai – present

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

DATE: **JUNE 17, 2015**

P.C.:

1. The application is moved as the applicants/accused are facing charges under section 307, 324, 143, 144, 147, 148, 149, 150, 323, 504, 506 of the Indian Penal Code and under section 37(1) and 135 of the Mumbai Police Act and also under section 7, 27(2) of the Arms Act. The crime is registered at C.R. no.3 of 2015 with the Talaja police station. The applicants/accused and the co-accused and the complainant and his family members and associates stay in village Tondare and there was a dispute between the two groups on account of their business of cellphones and money transfer. On 8.1.2015 in the morning, there was altercation between the family members of the applicant/accused and the

accused No.3 and thereafter again on the same day, at night, as per the case of the prosecution, the accused and the co-accused arrived in the shop of the complainant and they were armed with weapons and assaulted the complainant and his associates. Both the applicants/accused are taken in custody in the month of January, 2015. Since then, they are behind bars and therefore, this bail application.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused Devidas Patil, who is the accused, as per the case of the prosecution, was in the group and assaulted Laxman Patil with iron rod and the applicant/accused Gorakshnath, who is accused No.5, has assaulted, as per the case of prosecution, one Pavin Patil with iron pipe. The learned Counsel pointed out that Laxman Patil has sustained a fracture of scapula due to the injury caused by Devidas and Pravin Patil, CLW to his fore arm due to the assault by Gorakshnath with iron pipe. The learned Counsel submitted that apart from these two witnesses, who are the injured, there is no other further role attributed to them and under such circumstances, they be released on bail.

3. The learned Prosecutor and the learned Counsel for the Intervener have opposed the bail application. The learned Prosecutor relied on the injury certificates of all the injured persons. He argued that the applicants/accused alongwith the co-accused had appeared at the shop of

the complainant armed with weapons. Earlier, there was quarrel between the son of accused No.3, who is the son of his accused No.2 and the complainant and the N.C. was registered. Therefore, the applicants/accused got enraged and they had planned an attack on the complainant and the family members of the complainant.

4. Perused the FIR; injury certificates of all the injured, which are produced by the prosecution. Perused the statement of Laxman Patil and Pravin Patil. The role attributed to both the accused are specific and *prima facie*, the injury certificates show that fracture was caused to Laxman Patil due to iron rod and there is no fracture caused to Pravin Patil. Considering the nature of the injuries and also the period for which they are in prison, I am inclined to grant bail as under:

- i) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence while on bail;
- iv) The applicants shall not enter village Tondare in Taluka Panvel, District Raigad till 16th August, 2015;

- v) The applicants shall attend on all the Court dates.
 - vi) The applicants after their release, shall furnish to the Investigating Officer their residential address where they are going to reside or are residing;
 - vi) In the event of breach of any of the conditions above, the prosecution will be at liberty to move this Court for cancellation of bail.
- 5. Bail application is disposed of accordingly.
 - 6. Criminal application No.352 of 2015 also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)