

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.648 OF 2015

|                               |              |
|-------------------------------|--------------|
| Pravin Murlidhar Patil & Anr. | ..Applicants |
| -Versus-                      |              |
| State of Maharashtra          | ..Respondent |

WITH

BAIL APPLICATION NO.948 OF 2015

|                        |               |
|------------------------|---------------|
| Pramod Murlidhar Patil | .. Applicant  |
| Versus                 |               |
| State of Maharashtra   | .. Respondent |

Mr.Aniket Nikam i/b. Chetan Damre for applicant in ABA No.648 of 2015

Mr.Kuldeep Patil i/b. Chetan Damre for applicants in B.A.948 of 2015

Mr.S.S.Pednekar, APP for State in both  
Mr.Siddheshwar Kalel for original complainant in both

|       |   |                           |
|-------|---|---------------------------|
| CORAM | : | A.R.JOSHI, J.             |
| DATE  | : | 6 <sup>th</sup> May 2015. |

P.C.

1] Heard the learned Counsel for the applicants in the anticipatory bail application and learned Counsel for the applicant in regular bail application. Also heard learned learned Advocate for the intervenor – original complainant and learned APP for State in both the applications.

2] Both these applications are being disposed of by the common order as the anticipatory bail application and the regular bail application arise out of the same C.R.No.I-62 of 2015 registered with Yevala taluka police station, Dist. Nashik.

3] The offences alleged against the applicants are punishable under section 307, 143, 147, 148, 323, 505 and 506 of I.P.C.

4] The incident of assault on the relative of first informant occurred in the evening / night of 21<sup>st</sup> April 2015, when the injured along with his maternal uncle, first informant, and two other relatives/ friends was standing in the area. The applicant in Regular Bail application and their other associates, including the applicants in Anticipatory Bail application came on the spot armed with iron bars and hockey sticks. The applicant in Regular Bail application was armed with chopper. On seeing the injured and his associates, the applicant in regular bail application took out chopper and started assaulting the injured, mentioning that only because of him a false case of rape was foisted on the said applicant. It is also the

allegation that he instigated his associates and also the applicants in anticipatory bail application to do away with the injured, then and there. The first informant and other associates tried to intervene but they were also assaulted. This is a case of the prosecution as transpired from the F.I.R. lodged on 22<sup>nd</sup> April 2015 at early hours i.e. 2.10 a.m.

5] During the arguments, the learned Counsel for the applicants stated that the specific circumstances and the situation under which the F.I.R. was lodged are required to be considered, inasmuch as apparently, it was a false case foisted on them and definitely not a case of attempt to murder, mainly considering the injuries sustained by the injured. In order to substantiate this argument, attention of this court is drawn to the medical certificate issued by the Government hospital which shows only three injuries so far as main injured person is concerned. There are two abrasions on the abdomen and one at occipital region. Dimensions of these injuries are not mentioned in this certificate issued by the Government Public Health Centre. The said patient was referred to the civil hospital for further treatment. However, there is no medical

certificate from the civil hospital. There is another medical certificate produced by the intervenor and relied on by the prosecution, which is of Appollo Hospital. The said certificate show one additional injury regarding fracture of nasal bone. Apparently, if there is fracture of nasal bone, then at the most that injury can be considered as grievous injury.

6] As argued on behalf of applicants, the question remains whether it was an attempt on the life of the victim so as to attract the offence punishable under section 307 of IPC. The allegations against the applicants are that they were armed with deadly weapons and the applicant in regular bail application was armed with chopper and other were having iron rods and hockey sticks, but, apparently the injuries are only on one person and that also as detailed in the medical certificate issued by the Government hospital. Still if it is alleged that there was nasal bone fracture, this will not lead this court to consider that it was of such a grave nature so as to consider that there was an attack on the life of the injured. Though the complainant and his other associates have apparently received some assault at the hands of the applicants, there is injury

certificate which show only one contusion each and blackening of thigh. Apparently, this is a factual situation contravening the case of prosecution that there was an attack on the life of the injured.

7] The above factual position is to be viewed in juxtaposition of the admitted position that on the very next day of the incident, there was polling for local Gram Panchayat elections and it is argued on behalf of the applicants that in order to obtain political advantage in the said polling, a complaint has been lodged on the earlier night out of a minor incident blown out of proportion and employing offences punishable under section 307 of IPC.

8] Considering the rival submissions, in the opinion of this court, there is nothing to continue the custody of the applicant in the regular bail application and the applicants in the anticipatory bail application can be granted relief, subject to certain conditions. This is more so, when it is brought to the notice of this Court on behalf of the applicants that another offence registered under section 364 read with 34 IPC being C.R.No.63 of 2013 against the applicant in Regular Bail Application No.948 of 2015 has ended in filing of a

report under section 169 of Cr.P.C. This factual position has not been controverted by the learned APP. In any event, in the opinion of this court and more so when the other co-accused by name Shankar Dongre is granted bail, whose case is at par with that of one of the applicants in anticipatory bail application and considering that the role attributed to the applicants in the anticipatory bail application and the effect of the medical report, both these applications are allowed and accordingly disposed of.

9] Hence, following order:-

(a) Regular Bail Application No.948 of 2015 is allowed.

(b) The applicant therein be released on bail on his executing a P.R.bond in the sum of Rs.20,000/- with one or two sureties for the like amount;

(c) After availing the bail the applicant shall attend concerned police station on first Sunday between 10 a.m. and 12 noon of every month for a period of six months from the date of this

order

(d) Anticipatory Bail Application No.648 of 2015 is allowed.

(e) In the event of arrest of the applicants in C.R.No.I-62 of 2015, the applicants shall be released on bail on their executing P.R.Bond in the sum of Rs.15,000/- each with one or two sureties for like amount each;

(f) In the event of arrest of the applicants and availing of the bail as above, the said applicants shall attend the concerned police station on first Sunday of every month between 10 a.m. and 12 noon for a period of six months from today.

(g) With the aforesaid directions both the applications are disposed of.

( A.R.JOSHI, J.)