

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1453 OF 2015**

Vasudev Haluram Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. P. Mundargi, Sr. Counsel with Mr. Nishigandh N. Patil for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

Ms. Pratibha Borade for the original Complainant

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicant, the learned A.P.P and the learned Counsel appearing for the original complainant.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 3 of 2015 registered with the Taloja Police Station, for the alleged offences punishable under Sections 307, 324, 143, 144, 147, 148, 149, 150, 323, 504, 506 of the Indian Penal Code, 1870 and under Sections 37(1)/135 of the Mumbai Police Act and under Sections 7, 27(2) of the Arms Act.
3. The incident in question has taken place on 8th January, 2015 at about 9:30 p.m. to 10:00 p.m. The first informant is the injured Pradeep Ramdas Patil. As per his statement, on 8th January, 2015, at about 11:15 a.m., Kailas Patil

came to the mobile shop and threatened him as to why he had started the money transfer business. It is alleged that thereafter at about 9:30 p.m., when the complainant was chatting with his elder brother and others, the present applicant along with other co-accused came near the shop and started abusing him. It is alleged that the applicant assaulted Pravin Patil and his brother Vasant Patil. All the accused including the applicant are alleged to have assaulted the complainant and five others.

4. Learned Senior Counsel for the applicant seeks bail on the ground of parity. He states that the role of the applicant is similar to those accused, who have been enlarged on bail by this Court, vide order dated 17th June, 2015. He submits that even otherwise, considering the nature of allegations *qua* the applicant, the applicant be enlarged on bail. He relied on the injury certificate of Pravin Patil, which shows that he had suffered simple injuries and the injury certificate of Vasant Patil, which shows that he had suffered one grievous injury on his back. He also submitted that there is a cross case filed by one Mahesh as against the complainant and others, alleging offences punishable under Sections 324, 341, 504, 506, 427 r/w 34 of the Indian Penal Code, which has been registered with the same police station, vide C.R No. I-09 of 2015.

5. Learned A.P.P and learned Counsel for the original complainant opposed the bail application. They submitted that the applicant is not entitled to claim parity, inasmuch as, he was responsible for the grievous injury which was caused to Vasant Patil.

6. Perused the charge-sheet, in particular, the statements of the injured Pravin Patil and Vasant Patil. A perusal of the statement of Pravin Patil shows that he has disclosed the names of the persons, who are alleged to have assaulted him. He has stated that Kailas Patil assaulted him on his head with an iron rod, the present applicant with a sword like weapon and Alankar Gowardhan with a wooden log. A perusal of the injury certificate which is at page 124 issued by the Rural Hospital, Panvel shows that the nature of injuries sustained by the injured-Pravin Patil were simple in nature. The statement of Vasant Patil also discloses the overt acts attributed by him to the accused. According to Vasant Patil, the accused were armed with weapons like iron rod, sickle and sword. He has alleged that the present applicant tried to assault him on his head, however, as he raised his hand, the blow landed on his hand. The injury certificate of Vasant Patil shows that there was a fracture mid shaft ulna right side with left side ulna artery and FCU tendon injury. It also appears that two co-accused Devidas Patil and Gorakshanath Patil have been enlarged on bail by this Court

(Coram : Smt. Mridula Bhatkar, J.) vide order dated 17th June, 2015. According to the prosecution, Devidas Patil had assaulted Laxman Patil with an iron rod and Gorakshanath Patil had assaulted Pravin Patil with an iron pipe. The injury certificate shows that Laxman Patil had suffered a fracture. There is a cross case filed as against the complainant and others by Mahesh (applicant's brother) with respect to the same incident.

7. Considering the aforesaid facts and the fact that investigation is complete, and the charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant Vasudev Haluram Patil be released on bail in connection with C.R. No. 3 of 2015 registered with the Taloja Police Station, Panvel on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to contact any witness concerned with the case; ;
- (iii) The applicant shall not enter Taluka Panvel, District Raigad till 30th August, 2015;
- (iv) The applicant shall cooperate in the conduct of the trial and shall attend the Court on all the Court dates.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. It is made clear that the above observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.