

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1967 OF 2015**

1. Sandip Hindurao Patil
2. Sachin Shivajirao Patil
3. Lalaso Rajaram Patil
4. Prashant Vijay Patil
5. Amol Namdev Patil
6. Pramod Balasaheb Kanase
7. Pratik Sunil Kanase

...Applicants

Versus

State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Counsel i/b Mr.Amit Thorat, for the Applicants.

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

***CORAM : REVATI MOHITE DERE, J.
DATE : 29th OCTOBER, 2015***

P.C. :

1. Heard learned Senior Counsel for the applicants and the learned A.P.P.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 167 of 2015, registered with the Karad Taluka Police Station, Karad, for the alleged offences punishable under 307, 326, 324, 323, 341, 143, 147, 148, 149 of the Indian Penal Code and

under Section 37(1)(3) r/w 135 of the Bombay Police Act.

3. The incident in question has taken place on 4th August, 2015 at about 6.15 p.m. opposite the Gram Panchayat Office at Shenoli Village. It appears in the said election, 8 candidates of the complainant's party and 5 candidates of the rival parties were elected and that one Narayan Shingade and Malan Suryavanshi were elected unopposed from the ward of the complainant. In connection with the aforesaid incident, both the parties have lodged cross complaints against each other. The applicants' side has also alleged to have lodged a C.R., being C.R.No.168 of 2015, with the Karad Taluka Police Station, Karad, for the alleged offences punishable under 307, 323, 427, 143, 147, 148, 149 of the Indian Penal Code and under Section 37(1)(3) r/w 135 of the Bombay Police Act. In the incident, 6 to 7 persons on either side, have received grievous injuries as well as simple injuries. The present applicants are alleged to have caused simple injuries to the injured in C.R.No.167 of 2015.

4. Learned Senior Counsel for the Applicants submits that there is cross case filed by the applicants' side ; by one Amol Namdev Patil as

against the complainant in the present C.R.No.167 of 2015 and others. He submitted that in the same incident 6 to 7 persons from the applicant's side have also received injuries, both grievous and simple. He submitted that all the applicants except applicants nos.3 and 7 are alleged to have assaulted with sword, hockey sticks. He submitted that as far as the applicant no.3 – Lalaso Rajaram Patil is concerned, he is alleged to have assaulted with fist and kick blows and applicant no.7 – Pratik Sunil Kanase has not been named in the FIR.

5. Learned APP does not dispute the fact, that there are cross cases lodged by the rival parties, against each other, with respect to the same incident and that there are injured persons in both the CRs. He also does not dispute the fact, that the present applicants have caused simple injuries to the injured persons.

6. Perused the papers and the injury certificates. It appears that there are cross-cases with respect to the same incident. It also appears that 6 to 7 persons are injured on either side and that they have received simple

as well grievous injuries. The injuries caused by the present applicants are simple in nature. The applicants have been in custody since the date of their arrest.

7. Considering the material on record qua the present applicants, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till filing of the charge-sheet ;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(iv) The applicants to cooperate in the conduct of the trial;

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein 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.