

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2079 OF 2016

Virendra Nagnath Patil,
Age : 36 years, Occu. Advocate,
R/o Shahaji Nagar, Degloor,
Tq. Degloor, Dist. Nanded

APPLICANT

VERSUS

1. The State of Maharashtra
through Police Station,
Degloor, District Nanded

2. The Superintendent of Police,
Nanded, District Nanded

RESPONDENTS

Mr. S.J. Salunke, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondents-State

CORAM : M.T. JOSHI, J.

DATE : 16/04/2016

ORAL ORDER :

1. Heard both sides.

2. The present applicant who is apprehending his arrest at the hands of Degloor Police Station, District Nanded in Crime No. 111/2016, registered for the offences punishable under section 307, 326, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under section 25 of the Arms Act, is praying for his release on bail in the event of his arrest.

3. The complaint filed by Ravishankar Kishanrao Patil on 13th March, 2016 would show that there is a dispute between the parties regarding ownership or possession of one hotel Poonam at Gandhinagar, Degloor. Certain order by the Civil Court in his favour was already passed.

. In the circumstances, on 13th March, 2015 in the morning, Nilkanth Kishanrao Patil, the paternal uncle of the present applicant alongwith his sons and the present applicant were seen razing the hotel by one J.C.B. When the complainant challenged them, said Nilkanth had assaulted the complainant with a sword. When the complainant's son Saikrushna tried to protect his uncle, said Nilkanth had assaulted him with the sword.

. It is further alleged that six named persons including the present applicant had assaulted the son of the complainant, namely, Saikrushna by steel rod over his chest and back. In the circumstances, the offence came to be registered.

4. Mr. S.J. Salunke, learned counsel for the applicant, submitted that the present applicant is a

practicing Advocate for last about ten years at Degloor. Only due to the dispute over the family property, the present applicant is involved in the offence falsely. In the circumstances, he submitted that the applicant be released on bail in the event of his arrest.

5. Learned A.P.P., on the other hand, opposed the application. He submitted that while the complainant is assaulted by the paternal uncle of the present applicant, the present applicant has indulged in assaulting the son of the complainant by steel rod.

6. Perused the case-papers and particularly the injury certificate of son of the complainant, namely, Saikrushna Ravishankar Patil which would show that he has received two contused lacerated wounds, one behind the left ear and another on left occipital region and both the injuries are certified to be simple injuries by the Medical Officer of Rural Hospital Degloor.

7. In the light of the allegation that six persons had assaulted Saikrushna with steel rod including the present applicant, without making any comment on merit of the case, in my view, the present applicant can very

well be released on bail in the event of his arrest, as he would be available for investigation/interrogation. Hence, the following order.

8. In the event of arrest of the present applicant in Crime No. 111/2016, registered with Degloor Police Station, District Nanded, for the offences punishable under section 307, 326, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under section 25 of the Arms Act, he be released on bail on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

9. The applicant shall attend the investigating officer as and when reasonably called by him for the purpose of investigation/interrogation. The applicant shall not attempt to influence any of the prosecution witnesses in any manner.

10. The application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE