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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.813 OF 2016**

Hemant Vijay Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Nirnanjan Mundargi i/b Mr.Mohammed Umar Kazi, for the Applicant.

Mr.H.J.Dediya, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th JULY, 2016***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-267 of 2015, registered with the Bazarpeth Police Station, Kalyan, for the alleged offences punishable under Sections 307, 143, 147, 148, 149 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the Applicant states that the incident in question had taken place on 22nd September, 2015 at about 1.30 a.m. He

submitted that the complainant along with others had come outside the applicant's house where the alleged incident took place. He submitted that the complainant and others were the aggressors. He further submitted that in the incident, the applicant's brother – Vinod Patil was brutally assaulted by the complainant and others and that Vinod Patil died in the said incident. He submitted that pursuant to the death of Vinod Patil, the applicant lodged C.R.No.I-266 of 2015 with the Bazarpet Police Station, Kalyan against the complainant and others, alleging offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code and under Section 37(1) and 135 of the Bombay Police Act. He submitted that the applicant is alleged to have assaulted the complainant and his father with a wooden log on his back and head. He submitted that the injury certificates of the complainant and his father are on page nos.29, 30, 89, 90, 203 and 204 of the application. He submitted that the incised stab injury on the complainant and his father, is alleged to have been caused by the deceased – Vinod Patil. According to the learned counsel, the applicant has been in custody since the date of his arrest i.e. since 2015.

4. Learned APP does not dispute the fact, that there is a cross

case with respect to the incident that took place on 22nd September, 2015 and that the applicant has also lodged a complaint vide C.R.No.I-266 of 2015 with the Bazarpeth Police Station, Kalyan as against the complainant and others, alleging offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code and under Section 37(1) and 135 of the Bombay Police Act.

5. Perused the papers. Investigation is complete and charge-sheet is filed. It appears that there are cross cases and that the applicant is the complainant in C.R.No.I-266 of 2015 with the Bazarpeth Police Station, Kalyan, which is lodged against the complainant and others, for the offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code and under Section 37(1) and 135 of the Bombay Police Act. In the said incident, the applicant's brother – Vinod Patil succumbed to the injuries. The incident had taken place outside the applicant's house. The applicant is alleged to have assaulted the complainant and his father with a wooden log alongwith other co-accused.

6. Considering the fact that there are cross cases filed between the

parties and the fact that investigation is complete and charge-sheet is filed the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months and thereafter on the first Saturday of every alternate month, till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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

8. 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.