

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.821 OF 2016

Pradeep @ Bhadi Bhagwan Patil & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.R.P. Surve for the Applicants

Ms.S.S. Kaushik, APP, for Respondent – State

Mr.M.J. Bhatt for complainant

Mr.V.S. Shirsat, PSI, Bhiwandi Taluka Police Station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MAY 5, 2016**

P.C.:

1. The applicants/accused are facing prosecution under sections 307, 326, 325, 324, 120B, 143, 147, 148, 149, 341, 323, 427, 504, 506 of the Indian Penal Code registered at the instance of one Satish K. Patil, who is one of the injured persons. It is the case of the prosecution that on 9.1.2016 at around 12.30 hours at midnight, on the road of Yevai to Pise village, Bhiwandi taluka, when the complainant and other injured persons were proceeding in the vehicles. They were armed with weapons like iron rod, wooden rods. They pulled on Santosh Vasant Bhamre and assaulted him with the intention to kill him. He was badly injured. His legs and hand sustained fractures. He was admitted to hospital since 9.1.2016 to 27.1.2016.

2. The learned Counsel for the applicants/accused submitted that the applicants are innocent. The names of the applicants/accused are not mentioned in the FIR nor in the first remand report. The applicants/accused are falsely implicated in this case. There are no antecedents against the applicants/accused Pradeep Patil and Harshad Goradkar. They are innocent and hence, he prayed that they be protected by pre-arrest bail.

3. Learned Prosecutor submitted that out of 12 accused persons, 5 are arrested. The incident has taken place at the instance of arrested accused Jagdish Patil and Yeshwant Patil. They have supported one Gauri Y. Patil in the Gram Panchayat election to the post of Sarpanch. However, she was defeated by one Pushpa Bhamre, wife of the injured Santosh Bhamre. Therefore, they had animus against Santosh Bhamre. She submitted that though the names of the applicants/accused are not mentioned in the FIR, their names were revealed at the time of investigation. They were present in the group. They attacked the injured.

4. Perused the FIR, the statements of the witnesses produced by the police. Though the names of the applicants are not mentioned in the FIR, it appears from the statements that they were present at the time of the

incident and prima facie, they have participated in the assault. The assault is pre-meditated and they all were armed with weapons. Further, applicant-accused Harshad was earlier involved in a case, although he was acquitted later on. As also, there is one case pending against the applicant-accused Yatin Patil. The manner in which the offence is committed, I am not inclined to grant bail to applicant No.2 Yatin Anil Patil and applicant No.3 - Harshad Deepak Goradkar. Accordingly, this Anticipatory Bail Application qua these two applicants i.e., Harshad and Yatin is rejected.

5. However, as regards the applicant-accused No.1 Pradeep @ Bhadi Bhagwan Patil, as it is his first offence and as there are no antecedents against him, I am inclined to grant pre-arrest bail on the following terms:

- i) In the event of arrest, the applicant-accused Pradeep @ Bhadi Bhagwan Patil shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Friday between 6pm to 8pm;
- iii) The applicant-accused shall not tamper with the evidence or

pressurise the complainant;

iv) The applicant-accused shall not indulge into any criminal activity;

v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)