

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1572 OF 2016

Rajvardhan Rajendra Patil	...	Applicant
vs.		
State of Maharashtra	...	Respondent

Mr. Kedar J. Patil, Advocate for the applicant.

Mr. Vinod S. Chate, APP, for the State.

Ms. Sarita S. Jadhav, WPSI, Hadgaon Police Station, Kolhapur.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 8th September, 2016.

P.C.

1. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in C.R. No.275 of 2016 registered at Vadgaon Police Station for the offences punishable under Sections 307, 504 read with Section 34 of IPC.

2. At the outset, the learned counsel for the applicant submits that the applicant happens to be a lawyer by profession. That he has good career and prospects. That he is having good established practice in Kolhapur and Vadgaon Courts on the Criminal Side and, therefore, irrespective of the allegations in the FIR, his liberty needs to be protected.

3. As against this, the learned APP submits that the application be decided on merits of the matter.

4. It is the case of the prosecution that on 18.8.2016, one Dadasaheb Mane who was in Kudalkar Hospital, Vadgaon, at the time of recording of statement has disclosed that on 18.8.2016 at about 8 p.m., he had been to Vadgaon. He met one Bapusaheb Patil and Rajendra Mane. They had informed him that Suresh Patil wanted to apologize him for some incident in the past and that he should go to Amber and he accompanied them to Amber. They went near hotel Vandana. At that time, the present applicant and his brother abused him on the ground that he is not concerned with the incidents in the past and mounted assault upon him. The brother of the applicant i.e. Shivraj Patil had assaulted the complainant with an iron rod. That the complainant sat down and at that time the present applicant is said to have exhorted his brother to finish him forever and started assaulting him with fist and kick blows. That when Rajendra Mane and others tried to intervene, the applicant and his brother fled from the spot.

5. Perused the papers of investigation.

6. The medical certificate of Dadasaheb Mane shows that the complainant had sustained CLW over right parietal occipital region. There was profused bleeding. Upon C.T. Scan, it was noticed that there was evidence of several tissues swollen over the parietal occipital region. That the complainant was hospitalized.

7. It is pertinent to note that the papers of investigation would reveal that on 17.8.2016, Rajendra Mane had lodged a report at Vadgaon Police Station alleging therein that the brother of the present applicant has threatened him of dire consequences. Rajendra Mane is being prosecuted for the offence punishable under Sections 326, 307 read with Section 34 of IPC. The applicant is also charge-sheeted for similar offences. The applicant is also charge-sheeted for the offence punishable under Section 324 of IPC. That the complainant has been receiving threats from the brother of the applicant and the applicant. On 17.8.2016, on the basis of the said report, N.C. No.401 of 2016 is registered against the brother of the present applicant.

8. It prima facie appears that only because the applicant happens

to be a practising Advocate, he has taken the law in his hands. It is because of that his brother also has the courage to indulge into serious offences. It is expected that a professional should conduct himself in a manner which would befit the noble profession of law. The learned counsel for the applicant submits that only in order to protect the professional career of the applicant, he be granted pre-arrest bail. It is an admitted position that initiation of criminal prosecution should also be taken as a deterrent. The liberty of the individual cannot be protected in the given circumstances.

9. Taking into consideration the nature of allegations and the papers of investigation, the application does not deserve to be protected under Section 438 of Cr.P.C. which is a discretionary relief. Hence, the application being sans merits deserves to be rejected.

(SMT.SADHANA S.JADHAV, J.)