

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

921 CRIMINAL APPLICATION NO. 3472 OF 2017

MURLIDHAR ANANDA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Joydeep Chatterji.

APP for Respondent : Mr. S. M. Ganachare.

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CORAM : **V. K. JADHAV, J.**

DATE : 08th August, 2017.

ORDER:

. This application is filed for getting released on bail in connection with Crime No.195 of 2017 registered at Dhule Taluka Police Station, District Dhule for the offences punishable under Sections 307, 143, 147, 148, 149, 452, 323, 504, 506 and 427 of the Indian Penal Code. Applicants' application with similar prayer bearing Criminal Bail Application No.598 of 2017 came to be rejected by the Additional Sessions Judge, Dhule by order dated 6th July, 2017.

2 Brief facts giving rise to the present application are as follows:

On 20th June, 2017 at about 08:00 pm, the Complainant alongwith his associate was chitchatting in the courtyard of one Anil Raghunath Patil. At that time, the lights went off. At that time, the

Applicants and one Accused Anil came there armed with weapons and assaulted the Complainant and his associate. In consequence of which, the Complainant and his associate sustained grievous injuries. It has been alleged in the complaint that the Applicants and said Accused Anil were armed with weapons like sickle, iron rod, sticks etc. On the basis of these allegations, the Applicants came to be arrested on 23rd and 26th June, 2017. Thus, the Accused are praying for bail in connection with this crime.

3 The learned counsel for Applicants submits that the investigation is almost completed and the formality of filing the charge-sheet is only remained. The learned counsel submits that these Applicants surrendered themselves before the Investigating Officer. The learned counsel submits that in respect of the incident that has taken place on 20th June, 2017, Applicant No.7 Pradip Sahebrao Patil had lodged the complaint against the present Complainant and his companion for having committed the offence punishable under Sections 307, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code and on the basis of this complaint Crime No.196 of 2017 came to be registered in the same police station. The learned counsel submits that it has been alleged in the said complaint that the present Complainant and his associates used the dangerous weapons like axe

etc. in the incident. The learned counsel submits that though these Applicants surrendered before the Investigating Officer, the accused persons in Crime No.196 of 2017 including the present Complainant are still absconding and the Investigating Officer has not effected their arrest so far.

4 The learned APP submits that in the complaint, specific role has been assigned to each and every Applicants and the Complainant and injured witnesses Dada Shivaji Patil and Dhaku Patil sustained the grievous injuries in the assault. Furthermore, the Complainant had sustained fracture on neck and shaft of third metacarpal. The learned APP submits that there is a strong *prima-facie* case against the Applicants and original Accused No.1 Anil is still absconding and his whereabouts are not known. The learned APP submits that there is a criminal history of Applicant Nos.1, 6 and 14 to 17.

5 This Court has made a specific query with the learned APP as to when the charge-sheet is going to be filed in this crime. The learned APP, on instructions, has submitted that original Accused Anil is yet to be arrested and the investigation is still in progress and as such, no definite period can be given for filing of the charge-sheet.

6 On perusal of the FIR, though it appears that specific role is assigned to each and every Applicants, however, it cannot be ignored that in respect of the incident that has taken place on the same day, the crime came to be registered against the Complainant and his associate and some of the Applicants also came to be injured. It appears that there was a free fight between two groups in the village. As a matter of punishment, the bail cannot be refused since the charge-sheet is not going to be filed within some reasonable period. As per the police report, Applicant Nos.1, 6 and 14 to 17 is having criminal history and it would not be desirable to release them on bail at this stage since the investigation is in progress. However, so far as the remaining Applicants are concerned, their antecedents are clear. Except Applicant Nos.1, 6 and 14 to 17, the other Applicants can be released on bail by imposing certain conditions. Hence, the following order:

ORDER

- I. Criminal application is hereby partly allowed.
- II. Applicant Nos.2 to 5, 7 to 13, 18 and 19
(Pandharinath Sahebrao Patil, Pundlik Gulab Patil,
Vinod @ Gottya Ramesh Patil, Abba @ Abusingh

Vikram Patil, Pradip Sahebrao Patil, Sharad Sahebrao Patil, Narayan Shivdas Patil, Dyneshwar Nagraj Patil, Ashok Tulshiram Patil, Bhagwan @ Bhagwat Uttam Patil, Gokul Sonu Patil, Bharat Sonu Patil and Gokul Ananda Patil) respectively, be released on bail in connection with Crime No.195 of 2017 registered at Dhule Taluka Police Station, District Dhule on furnishing personal bond of Rs.20,000/- (Rupees Twenty Thousand Only) each with one solvent surety of the like amount on the following conditions:

- a) The Applicants shall not tamper with prosecution evidence in any manner.
- b) The Applicants shall not enter the village Kundane, Taluka and District Dhule till filing of charge-sheet.
- c) The Applicants shall attend Dhule Taluka Police Station on every Sunday in between 09:00 am to 11:00 am till filing of the charge-sheet.

- III. Bail before the trial Court.
- IV. The application of Applicant Nos.1, 6 and 14 to 17 is hereby rejected with liberty to move an application for bail, after filing of the charge-sheet, before the Sessions Court.
- V. Criminal application is accordingly disposed of.

[V. K. JADHAV, J.]

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