

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 837 OF 2017**

Sadanand Bala Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 668 OF 2017
(FOR INTERVENTION)
IN
CRIMINAL BAIL APPLICATION NO. 837 OF 2017**

Ranjana Krushna Patil	...Intervener
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IN THE MATTER BETWEEN :

Sadanand Bala Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. P. R. Dave i/b Mr. S. P. Dalvi for the Applicant

Mr. Ajay Patil, A.P.P for the Respondents-State

Mr. P. G. Sarda for the Intervener

API Mr. Pankaj N. Ghatkar, from Bhiwandi Taluka Police Station, Thane (R), is present

**CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th AUGUST, 2017**

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-218 of 2015 registered with the Bhiwandi Taluka Police Station, Thane, for the alleged offences punishable under Sections 302, 307, 326, 143, 147, 148, 149, 504, 506, 2(b) of the Indian Penal Code and under Section 4 and 25 of the Indian Arms Act.

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case. He submits that the applicant has not assaulted the deceased-Krushna Patil. He further submits that although injured Manik Patil has named the applicant and has stated that the applicant has assaulted him with a scythe, it is not mentioned on which part of the body he was assaulted. He further submitted that except Manik Patil, there is no ocular evidence to show the presence of the applicant at the spot. He submits that the entire family has been roped-in, in the said case. Learned Counsel also seeks bail on the ground of parity. He submits that the role of the applicant is similar to that of co-accused - Tushar Gaikar who has been enlarged on bail by this Court, vide order dated 29th June, 2016. He further submits that there is no recovery at the instance of the applicant and that the applicant has no antecedents.

4. Learned A.P.P and learned Counsel for the intervener opposed the application. They submit that the applicant has not only assaulted injured-Manik Patil, but has also assaulted the deceased. They submit that the applicant has suppressed certain most crucial and relevant statements of eye-witnesses, which would go to show the applicant's complicity, by not annexing the entire charge-sheet.

5. Perused the papers. The complainant-Ranjana Patil is the wife of the deceased-Krushna Patil. The incident has taken place on 4th September, 2015 at about 11:30 a.m. The complainant has, in detail, set out the manner in which the incident had taken place. She has specifically named the applicant, as being one of the persons along with others who were present at the spot, armed with chopper, swords, iron rods, wooden logs, scythe, etc. She has stated that when her husband was returning on his motorcycle, all the said accused including the applicant, stopped him and that Ajay Patil assaulted her husband with a chopper on his chest. She has stated that on seeing the said assault, she started shouting, pursuant to which, Vishwas, Bajrang, Vicky, Dilip, Manik, Manohar and Gajanan ran

to the spot. She has stated that on seeing the said persons, Gurunath Mhatre said, “*mara salyanna*”, pursuant to which, the accused persons started assaulting them.

6. The complainant, has in detail, set out the assault on the deceased as well as on others. Although, the complainant has not specifically stated that the applicant assaulted Manik, Manik in his statement, has specifically named the applicant and has stated that the applicant assaulted him with a scythe. Manik has also specifically named other co-accused who also assaulted him. The injuries sustained by Manik are as follows :

- “1. *Stab Injury left iliac foss (of abdomen) with omentum*
2. *IW(C) Elbow (posteriorly) and superior to elbow protruding out about 8 cms x 6 cm x muscle to bone deep. Triangular flap of skin raised.*
3. *Incised wound (IW) (R) thigh anteriorly, oblique, about 7 cm x 4 cm x muscle deep.*
4. *IW (L) lumbar region, laterally in mid-axillary line, about 3 cm x 2 cm x muscle deep.*
5. *IW scalp (occipital) about 7 cm long. Per abdomen-guarding present.”*

7. Apart from the statement of Manik, there are statements of other witnesses i.e. Vishwas Patil, who has specifically stated that the applicant was armed with a scythe and that he assaulted Manik and caused injuries to him. He has also stated that the applicant thereafter took a wooden log and assaulted Bajrang Patil and Krushna Patil (deceased). It also appears from the statement of Bajrang Patil (injured witness) that the applicant assaulted his uncle Manik Patil with a scythe and thereafter again took a wooden log and assaulted him i.e. Bajrang Patil. Both these statements i.e. the statement of Vishwas Patil and Bajrang Patil, although part of the charge-sheet, have not been annexed to the application for reasons best known to the applicant. The material on record clearly shows the complicity of the applicant i.e. he assaulted Manik, deceased and others, and as such, this is not a fit case to enlarge the applicant on bail. Application is accordingly rejected.

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. In view of the above order, nothing survives for consideration in the intervention application being Criminal Application No. 668 of 2017. The same stands disposed of accordingly.

REVATI MOHITE DERE, J.