

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 716 OF 2017**

1. Suresh @ Suraj Malgonda Patil	
2. Prakash Nemgonda Patil	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. Sandeep S. Koregave for the Applicants

Mr. S. H. Yadav, A.P.P for the Respondent-State

PSI Mr. Krishna Mahadev Kamble from Hatkanangle Police Station, Kolhapur, is present.

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 7th JUNE, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 67 of 2017 registered with the Hatkanangle Police Station, Kolhapur, for the alleged offences punishable under Sections 307, 326, 325, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the allegations of assault are essentially as against Rohan Patil. He submitted that in the incident dated 30th March, 2017, the complainant has alleged that Rohan Patil assaulted him with an iron rod on his face, as a result of which his 6 teeth fell. According to the complainant–Ananda S. Jadhav, Rohan also assaulted his son-Deepak with a tommy on his head and that the applicants assaulted him with fists and kick blows. He submitted that there was no motive for the applicants to assault the complainant and his son and that the only allegation as against the applicants is that the applicants assaulted complainant's son–Deepak with fists and kick blows. Learned Counsel for the applicants states that the main accused Rohan Patil has been granted anticipatory bail by the trial Court.

4. Learned A.P.P opposed the application.

5. Perused the papers. It is not in dispute that the allegations of assault are essentially as against Rohan Patil, who has been granted anticipatory bail by the trial Court. As far as the present applicants are concerned, they have alleged to have assaulted complainant's son-Deepak

with fists and kick blows. The medical certificate produced by the learned A.P.P of Siddhagiri Hospital and Research Centre shows that the complainant's son-Deepak had sustained left cerebellar/occipital extradural hematoma with underlying hemorrhagic contusion with temporal/occipital bone fractures. It appears that the said injury is a result of the assault caused by the co-accused Rohan Patil. No Government Hospital report has been produced to show any other injuries caused to Deepak. There are no antecedents *qua* the applicants.

6. Considering the nature of allegations and the role played by the applicants, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest places of residence and mobile contact numbers 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 investigating agency.

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*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.