

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO. 408 OF 2018**

Bindhas Govind Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. S. Kale, Advocate, for the Applicant

Mrs. A. A. Takalkar, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 12.04.2018**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 496 of 2017 registered with the Manpada Police Station, District – Thane, for the alleged offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code, Sections 4, 25 of the Arms Act and Section 37(1)135 of the Maharashtra Police Act.

3. Perused the papers. According to the prosecution, the incident took place on 25.08.2017 at about 2.00 p. m.. It is alleged by

the Complainant/Injured that there was some dispute with regard to a piece of land, which the Complainant had purchased from the Applicant's uncle – Kashinath Manglya Patil. He has alleged that on the aforesaid date when he was returning home, the Applicant came from behind and assaulted him on his head with a sword. He has alleged that when the Applicant again tried to inflict a blow, he raised his left hand as a result of which he injured his hand. He has stated that he was again assaulted by the Applicant's father with an iron rod and that the Applicant's mother had also assaulted him; and that the Applicant's mother had instigated the Applicant and the co-accused to kill the Complainant. The said incident was witnessed by one person i. e. Vinayak Patil. Pursuant thereto, the Applicant and other co-accused fled from the said spot. The Injury Certificate of the Complainant shows that the Complainant has sustained seven injuries; C.L.W. over post occipital region; C.L.W. at left elbow with fracture of ulna bone; C.L.W. of left arm; C.L.W. of right middle finger; C.L.W. over right arm dorsal; abrasion over mid back region and C.L.W. over left foot at base. Learned counsel for the Applicant states that the Applicant's father has been enlarged on regular bail and the Applicant's mother was granted anticipatory bail. He submits that the Applicant is ready to stay out of the jurisdiction of the Manpada Police Station, Thane till the conclusion

of the trial. He further submits that till date, charge has not been framed in the said case and the case has also not been committed to the Court of Session. The Applicant is in custody since 26.08.2017. Investigation is complete & charge-sheet is filed.

4. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

**ORDER**

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 50,000/-** with one or more local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **first Sunday of every month** between **10:00 a. m. and 11:00 a. m.;**

(iii) The Applicant shall not enter the jurisdiction of the Manpada Police Station, Thane except for the purpose of attendance and shall leave the said jurisdiction immediately as soon as attendance is given;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (v) The Applicant to cooperate with the conduct of the trial;
- (vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;
- (vii) If there are two consecutive defaults in appearing before the trial Court or before the concerned investigating officer, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

**(REVATI MOHITE DERE, J.)**