

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.727 OF 2018

Sudhakar Narayan Patil

...Applicant

Versus

State of Maharashtra

(Through New Panvel Police Station)

...Respondent

Mr.Gaurav Parkar for the Applicant.

Mr.S.R. Agarkar, APP for Respondent-State.

Mr.A.R. Zanjure, API, Panvel Taluka Police Station is present in Court.

CORAM : SMT.BHARATI H. DANGRE, J.

**DATE : 10th MAY 2018
(VACATION COURT)**

P.C.

1. The applicant apprehends arrest in relation to offences punishable under Section 143, 147, 149, 324, 326 and 341 of Indian Penal Code registered in New Panvel Police Station, Navi Mumbai. The complaint is filed by one Shri.Gorakshnath Waman Patil alleging that on 28.02.2018 when he riding on his bicycle and he reached Kasalkhand bus stop a person by name Darshan Suresh Patil and one Shri.Sudhakar Naryan Patil along with four other persons who had tied handkerchief on her faces assaulted him. The

complaint has specifically stated that Darshan Suresh Patil had injured by giving blows by wooden stick and he sustained injuries. On this basis of complaint FIR came to be registered and the present applicant was made as an accused since he was particularly identified by the complainant.

2. It is a case of the applicant that the said FIR is filed out of vengeance and in fact Civil dispute pending between the parties. The counsel for the applicant submits that the investigation is in progress since February and he has cooperated with the investigation. He has also stated that he is 55 years old and he is permanent residence of the address given in the application and has landed property with the jurisdiction of the said police station. He would also submit that as far as investigation against him is concerned it is complete and the alleged wooden stick has also been recovered from Shri. Darshan Suresh Patil.

3. The application is opposed by the APP on the ground that the present applicant has criminal antecedent in the form of Crime No.30 of 2018 registered under Section 324, 504, 34 of Indian Penal Code in the month of March 2018. According to the learned APP the present applicant is absconding and the details of

the other accused persons are to be obtained from him.

4. On consideration of the material produced on record it is apparent that even going by the complaint itself no specific role is attributable to the present applicant and complainant states that it was Darshan Suresh Patil who had assaulted him with a stick. The injury certificate that was issued by the hospital where the complaints reflects fracture injury and three contusions. The weapon that is recovered as a wooden stick and in all probabilities the injuries is attributable to said weapon. In any case it is not the case of the complainant that the present applicant has assaulted him with the weapon.

5. It is clear from the statement made by the learned APP that the investigation is in progress since February and whatever material was to be recovered has already been recovered, by the I.O. It is clear that the custodial interrogation of the applicant is not necessary considering the nature of the investigation carried out till today. The Applicant is 55 years old and he undertakes to co-operate with further investigation. Hence the following order.

ORDER

i) In the event of arrest, the applicant

Sudhakar Narayan Patil be released on anticipatory bail on executing a PR bond of Rs.25,000/- and on furnishing two solvent sureties in the like amount.

ii) The applicant to attend the concerned Police Station (New Panvel Police Station, Navi Mumbai) on every Thursday and Friday between 11:00 a.m. to 2.00 p.m.

iii) He would not tamper evidence nor influence the witnesses in any manner and he would co-operate with the Investigating Officer in the manner in which he seeks his assistance.

6. The application is disposed of in the aforesaid terms.

(SMT.BHARATI H. DANGRE, J.)