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

BAIL APPLICATION NO. 2148 OF 2017

Ravindra @ Babu Nandkumar Patil

... Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. P.V. Vare for Applicant.

Mr A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 16th JANUARY 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 221 of 2013 registered with Mahim Police Station, Mumbai, under Section 307, 302, 109, 212 r/w 34 of the Indian Penal Code, under Section 4 and 25 of Arms Act and under Section 37(1), of the Maharashtra Police Act.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record annexed to the application and the chargesheet.

3] The first information report is lodged by Arvind Lokare, brother of deceased Pravin Lokare. It is the prosecution case that, there used to be altercations and quarrels between the family members of the first informant one one hand and accused No.1 Rakesh Patil and his family members on the other hand. That on 5.5.2013 at about 10.30 a.m, when deceased Pravin had been to public toilet, the co-accused Rakesh Patil, Karan Patil, Dilip Param and Mahendra Mestri assaulted him with sword, chopper and kukri. People from the vicinity admitted deceased Pravin to Bhabha Hospital and when he was undergoing medical treatment, he succumbed to injuries.. During the course of investigation, the applicant came to be arrested on 7.2.2017 and after completion of investigation, the police have submitted chargesheet.

4] It is alleged that the applicant assisted the aforestated four accused persons in fleeing away from the scene of offence after they assaulted deceased Pravin on the date of incident. It is further alleged that the co-accused Smt. Sujata Patil was also present in the said vehicle and in fact she instigated other accused persons in commission of the present crime. The record indicates that, the co-accused Smt. Sujata Patil has been discharged from the offence by the learned Additional Sessions Judge,

Greater Mumbai by its Order dated 30.10.2014. It appears from record that the police did not arrest the applicant during the intervening period and he was arrested after more than three and half years. It is submitted that during the said intervening period, the applicant was attending duty with the Mumbai Municipal Corporation as a contract labourer.

5] In view of the above and after taking into consideration the role attributed to the applicant in the present crime, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

- (i) The applicant be released on bail in CR No. 221 of 2013 registered with Mahim Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from the jail, the applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 1.00 p.m till the conclusion of trial.
- (iii) Applicant shall also attend all dates before the Trial Court.
- (iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)