

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2425 OF 2018

1. Ashok Tukaram Patil, Age 47 years,
2. Mangesh Jagdish Patil, Age 20 years,
3. Gajanan Nago Patil, Age 54 years,
All r/o.Dwarali Gaon, Post Dwarali,
Malagad Road, Kalyan (East).

Applicants

versus

The State of Maharashtra

Respondent

Ms.Sushma T. Mishra for applicants.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 28th November 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.I-246 of 2018 registered with Hill Line Police Station, Ulhas Nagar, District Thane, for the offences punishable under Sections 307, 452, 504, 143, 147, 149 of Indian Penal Code and Sections 37(2) and 135 of Maharashtra Police Act.

2. The case of the prosecution is that the informant lodged his report to police on 5th October 2018. It is alleged that Yuvraj Patil and Pratap Patil gave dash of their scooty to the Alto Car of the informant. Hearing sound of dash, the informant and her husband came out of the house and they saw that the number plate of the car was broken and smoke was coming out from the engine of the vehicle. The husband of the informant asked Yuvraj Patil and Pratap Patil as to why they gave dash to the vehicle. They started abusing

the informant and her husband. Informant's husband demanded compensation for the damage caused to the car. The accused abused the informant and her husband and went away. After some time Yuvraj Patil and Pratap Patil along with other persons came at the scene of offence. They were armed with sword and sticks. They started abusing the informant and her husband. They threatened the complainant's husband that he would be killed. Thereafter all of them dragged the injured out of the house. Informant's mother-in-law tried to intervene. The accused assaulted informant's husband by sticks. One of the accused gave a blow of sword to cause injuries to the informant's husband. But mother-in-law came in between and sustained injury on her left hand finger. All the accused had assaulted by sticks to informant's mother-in-law as a result of which her hand was fractured. At that time Jagdish Patil and Ashok Patil (applicant no1 herein) assaulted with stick to informant's husband with intention to kill him. Hence, FIR was lodged.

3. The other accused viz Yuvraj Patil had preferred Anticipatory Bail Application No.2199 of 2018 which was allowed vide order dated 25th October 2018. Subsequently co-accused Pandit Patil was granted anticipatory bail vide ABA No.2407 of 2018 by order dated 26th November 2018. The applicants were allegedly armed with wooden sticks.

4. Learned APP submitted that on a petty issue, the accused who were armed with weapons, had assaulted the complainant, her husband and her mother-in-law. One of the accused was armed with a sword and others were armed with sticks. Applicants and others had assaulted the witnesses by sticks.

5. Considering the aforesaid circumstances, more particularly the overt act attributed to the applicants, case for grant of anticipatory bail is made out.

6. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2425 of 2018 is allowed and disposed off;
- (ii) In the event of arrest of applicants in connection with CR No.I-246 of 2018 registered at Hill Line Police Station, Ulhas Nagar, the applicants be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties;
- (iii) The applicants shall attend the investigating officer every Friday between 10 am and 12 noon till filing of charge sheet;
- (iv) The applicants shall not tamper with the evidence nor shall contact the complainant and her family members.

(PRAKASH D. NAIK, J.)

MST