

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2622 OF 2019**

1. Amol Adhikrao Patil
2. Avinash Bhaskar Patil

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. Rahul S. Kate, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State-Respondent.

Mr. P.B. Pawar, Taluka-Karad, District-Nashik.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th December, 2019

PC :

1. This is an application for Bail in connection with C.R. No. 216 of 2019 registered with Karad Taluka Police Station, Dist. Satara for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 & 506 of Indian Penal Code, subsequently, Section 302 was added since victim had succumbed to the injury.

2. The FIR was lodged by Rajendra Balkrushna Jujar on 18th May, 2019. It is alleged that on 17th May, 2018 at about 10.30 p.m. the accused Sangram Sanjay Patil assaulted the deceased by giving blow on his head. The other persons were present along with aforesaid accused and they had abused and threatened complainant. They did not participate in the assault, although they were armed with

weapon. It also appears that one blow was given by the co-accused. However, the supplementary statement of the complainant was recorded on 3rd June, 2019, in which he stated that Sangram Patil had assaulted by wooden log and other persons including applicants had assaulted the victim by fist and kick blows. Similarly, the statements of four eye witnesses were recorded. The first statement of the said witnesses attributes no role of assault to the applicants which on par with the version of the complainant. Similarly, the supplementary statement attributes role of assaulting by fist and kick blows as appears in the supplementary statement of the complainant.

3. Considering the role assigned to the applicants and also considering the fact that there is variation in the statements of the complainant and other eye witnesses, the subsequent version appears to be doubtful. In the subsequent version of the complainant and all the eye witnesses it is alleged that the applicants had assaulted the deceased by fist and kick blows.

4. Considering the factual matrix of the case, further detention of the applicant is not called for. There are no criminal antecedents against the applicants. They are in custody from 28th May, 2019. Charge-sheet is filed. Hence, case for grant of bail is made out.

5. Hence, I pass the following order :

ORDER

- i) Bail Application No.2622 of 2019 is allowed;
- ii) The applicants are directed to be released on bail in connection with C.R. No. 216 of 2019 registered with Karad Taluka Police Station, Dist. Satara on their furnishing P. R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount;
- iii) The applicants shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
- iv) Applicant shall not approach the complainant or any other witnesses and shall not tamper with the evidence;
- v) In the event, the applicants commit breach of this order, the prosecution will be at liberty to prefer an application for cancellation of bail.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)