

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.61 OF 2020

Sangram @ Sachin Sanjay Patil, Age 22 years,
Occ.Agriculture, R/o.Village Jujarwadi (Kale),
Tal.Karad, Dist.Satara
(presently lodged in prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Chandrakant P. Yadav for applicant.

Mr.M.G.Patil, APP, for State.

Mr.PB.Pawar, PN-261, Karad Taluka Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th February 2020

PC :

1. The applicant is arrested in CR No.216 of 2019 registered with Karad Taluka Police Station for offences under Sections 302, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code. The applicant was arrested on 20th May 2019.

2. The case of prosecution is that on 17th May 2019 the applicant had been to the house of informant Rajendra Balkrishna Jujar and told him that the issue of scarcity of water in ward no.3 of village Jujarwadi has to be discussed. The informant's father told him that they should meet applicant at his house to discuss the issue. The first informant and his father went to the house of applicant. They resolved the dispute. While returning, the applicant and co-accused formed unlawful assembly and assaulted the complainant and his

father. The applicant assaulted with stick on head of Balkrishna who sustained injury. Others threatened them. Adhikrao Jujar, Anandrao Jujar came to their rescue. Hence, accused left the spot. The co-accused were armed with stones. The injured was taken to hospital. Statements of witnesses were recorded. Eye witness Rahul Jujar stated that Balkrishna was assaulted by applicant. On completing investigation charge sheet was filed.

3. The applicant preferred application for bail before the Court of Sessions at Karad. The application was rejected by order dated 31st August 2019.

4. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. There is variation in the statements of complainant and other eye witnesses. The co-accused Sunil Patil, Sanjay Patil and Bajirao @ Vijay Sampat Patil were granted bail by order dated 18th December 2019. The accused Amol Patil and Avinash Patil were granted bail by this Court vide order dated 6th December 2019. It is submitted that the case would not fall under Section 302 of IPC and at the most offence could be u/s 304(II) of IPC. There is delay of 19 hours in registering the FIR. The FIR does not mention about any enmity between the applicant and the deceased or his family members. There are several discrepancies in the evidence of witnesses. The applicant is entitled for parity with the accused who are granted bail.

5. Learned APP submitted that the offence is registered u/s 302 of IPC. There is evidence against applicant. The main role is assigned to the applicant. The victim was a senior citizen who died

while undergoing treatment. The cause of death was due to neurogenic shock with assault on head injury. The injured had sustained injuries.

6. The FIR is lodged by Rajendra Jujar. The incident had occurred on 17th May 2019 at about 10.30 pm. The FIR was lodged on 18th May 2019 at 5.39 pm.. According to the complainant, the applicant had visited the house of complainant on 17th May 2019 at 10.30 pm with a grievance that the residence from ward no.3 are not getting water supply and the issue needs to be discussed for solution. The complainants and others visited the house of applicant and they had discussion. While returning the applicant, Sunil Patil, Amol Patil, Jaywant Patil, Avinash Patil, Bajirao Patil attacked the complainant and others. The applicant assaulted Balkrishna (father of complainant) by giving blow of wooden stick on his head. Others were armed with stones. They threatened the complainant and his father. The neighbours came to rescue. As per FIR, the applicant gave a blow of stick on head and others did not participate in assault but they had threatened. The offence was registered u/s 307 of IPC. Thereafter the victim succumbed to injury and hence Section 302 was added. The co-accused referred to hereinabove were granted bail by this Court. The statements of other witnesses were recorded. Wooden stick was recovered from the applicant. The post mortem report refers to injuries which includes old operated wound, which stitches right eye blackish and abrasions. The information as to the cause of death is mentioned as death due to neurogenic shock. In operated case of assault head injury the victim died on 25th May 2019. The statement of witness Aadikrao Jujar dated 20th May 2019 mentions that his nephew told him that his father had sustained

injury and that the applicant had assaulted him by wooden stick. The injured was taken to hospital. The supplementary statement of the said witness was recorded on 3rd June 2019. The statements of other witnesses are also similar. All of them have stated that several persons have gathered to resolve the issue with regards to water supply. The witnesses have stated that one blow was given by the applicant by wooden stick on the head of victim. The applicant does not have criminal background. The incident had occurred while discussing the issue relating to water supply. The witnesses have stated that there was quarrel between the injured and the opponents. In that process the victim was assaulted by wooden stick.

7. Considering the overt act attributed to the applicant and the cause of quarrel and other circumstances as well as post mortem report, it does not appear that there was any intention to commit murder. The applicant is in custody from the date of arrest. The charge sheet is filed. Several persons were granted bail. Hence, case for grant of bail is made out.

8. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.61 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.216 of 2019 registered with Karad Taluka Police Station, Karad, District Satara, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall stay out of jurisdiction of Karad Taluka Police Station till further orders;
- (iv) The applicant shall furnish details of his residence to the Investigating Officer after he is released on bail;
- (v) The applicant shall enter jurisdiction of Karad Taluka Police Station only to attend trial Court proceedings.

(PRAKASH D. NAIK, J.)

MST