

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.883 OF 2021**

Rupesh Traymbak Patil

**...APPLICANT**

**VERSUS**

The State of Maharashtra

**...RESPONDENT**

...  
Shri Joydeep Chatterji Advocate for Applicant.  
Shri V.M. Kagne, A.P.P. for Respondent-State.  
Shri Suniket A. Kulkarni Advocate for assist to PP.  
...

**CORAM: M.G. SEWLIKAR, J.**

**DATE : 17<sup>th</sup> NOVEMBER, 2021**

**ORDER :**

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 77 of 2021 registered with Dhule City Police Station, Dhule, for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Injured Pranav is the son of the informant. On 25<sup>th</sup> March 2021 at 8.30 p.m., Pranav and his friend Mayur were proceeding on motorcycle. At Jaimalhar Nagar near Bakhal plot, altercation was going on between Manav Vishal Garud and Shivam Sanjay Warude. Manav Vishal Garud is known to the injured Pranav. Pranav and his friend Mayur settled the quarrel. Shivam Sanjay Warude called the applicant and Ajinkya Pravin Koli who are the friends of Shivam Sanjay Warude. On their arrival, they started beating Pranav on the ground that he had intervened and settled the quarrel. Soon thereafter the applicant picked up a tile and delivered a blow of it on the head of Pranav. Pranav sustained injuries and he fell unconscious. Pranav was shifted to Sidheshwar Hospital, Dhule.

3. On the first information report of the informant, offence as aforesaid has been registered against the applicant and others.

4. Heard Shri Joydeep Chatterji, learned counsel for the applicant, Shri Kagne, learned APP for the State and Shri Kulkarni, learned counsel assisting the APP.

5. Learned counsel Shri Joydeep Chatterji submits that the applicant is 19 years of age. In the heat of passion this incident took place. He further submits that charge-sheet is filed. Injured has been discharged from the hospital.

6. Learned APP Shri Kagne and learned counsel Shri Kulkarni submit that offence is serious in nature. Injured had to undergo surgery and he was required to be hospitalized for another surgery. Therefore, the applicant may not be released on bail.

7. On last occasion, learned counsel assisting the APP, produced the medical certificate indicating therein that injured Pranav was required to visit the hospital for another surgery i.e. Cranioplasty. Since it was from private hospital, Shri Joydeep Chatterji, learned counsel for the applicant requested this Court to direct the Civil Surgeon to examine the injured. Accordingly, on 16<sup>th</sup> November 2021, Civil Surgeon examined the injured. He has certified that the injured is physically fit.

8. Applicant has no criminal antecedents. It appears that the incident took place in a heat of passion. Applicant is 19 years of age and he is taking education. In this view of the matter, I am

inclined to release the applicant on bail. Hence the following order:-

**ORDER**

- i) Application is allowed.
- ii) Applicant be released on bail on his furnishing PR Bond of Rs.50,000/- (Rupees Fifth Thousand only) with one solvent surety in the like amount, in connection with Crime No. 77 of 2021 registered with Dhule City Police Station, Dhule, for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, and on condition that he shall report to Dhule City Police Station, Dhule once in a week i.e. every Sunday between 12.00 noon and 3.00 p.m.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M.G. SEWLIKAR, J.]**