

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1797 OF 2021

PAPPU @ PRATAP VILAS KATKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Manish Jain i/b. S.M.Jain and Associates, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 23rd NOVEMBER 2021
PRONOUNCED ON : 6th DECEMBER 2021**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.217 of 2020 registered with Police Station Mhaswad, Satara, for offences punishable under Section 307, 326, 324, 323, 452, 427 and 34 of the Indian Penal Code (IPC).

2 It is the case of prosecution that a year prior to the incident in question, a complaint was lodged against the applicant for outraging the modesty of informant's sister and since then the applicant was having grudge in his mind and used to harass the family members of the informant. The prosecution alleges that on 24th October 2020, at about 11.30 p.m, the applicant along with other accused entered into the house of the informant by breaking open the house and assaulted the informant, his uncle, grandparents by means of iron rod and wooden logs. They also beat the grandmother and aunt of the informant by means of fist and kick blows. Accordingly, the informant lodged the First Information Report (FIR).

3 Mr.Manish Jain, learned counsel for the applicant, submits that two accused are already released on bail by the learned trial Court. The learned counsel also invited my attention to the injury certificates and pointed out that almost all the injuries sustained by prosecution witnesses are simple in nature except one injury pertaining to Ajay Appaso Katkar which

is grievous in nature. Investigation is completed. There are no criminal antecedents. In such circumstances, the applicant deserves to be released on bail.

4 Mr.H.J.Dedhia, learned APP, on the other hand, fairly admits to the extent that the injuries sustained by the prosecution witnesses are simple in nature. However, regard being had to the nature of accusations, the applicant need not be released on bail, argued learned APP.

5 Perused the investigation papers. I have also gone through the injury certificates pertaining to the informant Ajay Appaso Katkar. The prosecution has alleged that all the prosecution witnesses including the informant were assaulted by means of iron rod and wooden logs. However, the injury certificates show the injuries sustained by those prosecution witnesses as simple in nature. The only grievous injury was suffered by Ajay Appaso Katkar on his left wrist. Investigation is already over and charge-sheet has been filed. No antecedents of

such nature are forthcoming. This being so, keeping the applicant behind the bars is unwarranted. Hence, I pass the following order:

ORDER

- (i) Applicant – Pappu @ Pratap Vilas Katkar shall be released on bail in Crime No.217 of 2020 registered with Police Station Mhaswad, Satara, on his executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall attend the Court proceedings regularly.
- (iv) Bail before the trial Court.
- (v) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(vi) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

(vii) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)