

Mr. Kishor Patil i/b Dilip B.Shinde, for the Applicant.
Mr. H. J. Dedhia, APP, for the State-Respondent.

RESERVED ON : 6th December, 2021.
PRONOUNCED ON : 15th December, 2021.

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 98 of 2021 registered with Kavathemahankal Police Station, District-Sangli for the offences punishable under Sections 302, 323, 324, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code (IPC) and under Section 123(2) of Representation of People's Act as also under Sections 37(1), 37(3) and 135 of Maharashtra Police Act.

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election of Gram Panchayat, Borgaon, for the post of Deputy Sarpanch and because of this quarrel ensued between informant's brother, namely, Pandurang Janardhan Kale ('deceased' for short) and others on one hand and workers from the Bharatiya Janta Party (BJP), applicant and 37 others along with 20 to 25 unknown persons on the other, who all not only formed unlawful assembly but assaulted the deceased by means of iron rod, stick and other weapons. Accordingly, First Information Report (FIR) came to be filed.

3 Mr. Patil, learned Counsel for the applicant, submits that there is no evidence against the present applicant. Other accused, namely, Namdev Popat Patil, Rohit Popat Shinde, Rahul @ Sagar Popat @ Raosaheb Shinde, Appaso Vasant Patil, Sachin Vasant Pail and Battu @ Laxman Ananda Shinde have already been released on bail by this Court and as also by learned trial Court. Therefore, on that ground also the applicant needs to be released on bail. Investigation is over. Charge-sheet has been filed. There are no criminal antecedents. In such circumstances, applicant deserves to be enlarged on bail, argued learned Counsel.

4 Mr. Dedhia, learned APP, on the other hand, opposed the

submissions by contending that having regard to the nature of offence and there being no merit in the application, the same is liable to be rejected.

5 Perused the investigation papers.

6 A careful reading of the FIR would show that the present applicant along with accused, namely, Janardan Eknath Patil and Nitin Madhukar Patil had assaulted the deceased and other grampanchayat members by means of sticks. Similar is the statements of Ganpati Namdev Patil, Amol Anandrao Kale, Adhkrao Janardan Kale and Nilesh Adhikrao Kale. All these witnesses have given a general statement that the applicant along with other accused named therein had assaulted the deceased by means of a stick. Interestingly, none of above said witnesses say as to on which part of the body the blows of sticks were allegedly given by applicant and others.

7 I have also gone through the Postmortem Report. It shows that the cause of death was “injuries to vital organs”.

8 As far as the other accused, who are enlarged on bail, are

concerned, except accused Namdev Popat Patil the role of remaining accused are similar to that of applicant.

9 Having regard to the material on record, in my considered opinion, the applicant has made out a case for bail. Hence, the following order.

ORDER

(i) Applicant- Sujit Vasant Patil shall be released on bail in C.R. No. 98 of 2021 registered with Kavathemahankal, District-Sangli, on his executing P .R. bond in the sum of Rs. 25,000/- with one or more sureties in like amount.

(ii) The applicant shall not tamper with the prosecution evidence.

(iii) The applicant shall attend the Court proceedings regularly.

(iv) Bail before the trial Court.

(v) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V. G. BISHT, J.)