

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1956 OF 2019

Pradip Babaso Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH
INTERIM APPLICATION NO. 501 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1956 OF 2019

Gajanan Vasantrao Chougule	... Intervenor
<u>In the matter between :</u>	
Pradip Babaso Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

ALONG WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2177 OF 2019

Pravin Shamrao Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Kuldeep Patil for Applicant.
Mrs.M.H. Mhatre, A.P.P for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 7th August 2021.

PC. :

1. By Orders dated 5th September 2019 and 4th October 2019 respectively, the Applicant(s) Pradip Babaso Patil and Pravin Shamrao Patil were granted interim relief.

2. It is the prosecution case that, a WhatsApp group was formed by the residents of Siddhivinayak Nagari Co-operative Housing Society, Sangli relating to its maintenance and other affairs. That the Applicant Pradip Patil sent a message on the said WhatsApp group, due to which some dispute arisen between the Applicant Pradip Patil and informant Gajanan V. Chougule. It is alleged that, on 19th August 2019, at about 8.30 pm, co-accused Sandip Patil gave a call to the informant and thereafter came in the precincts of the said Society along with his two friends. The Applicant Pradip Patil held hands of the informant from behind and Sandip Patil assaulted informant with an iron rod on his head. The other two co-accused, who were with Sandip Patil also assaulted informant with sticks on his ear and hand. The informant thereafter took treatment at Civil Hospital and subsequently lodged present crime.

3. Mr.Patil, learned counsel for the Applicant submitted that, after completion of investigation the Police have submitted Chargesheet on 16th December 2020 and therefore custody of the Applicants is not necessary for investigation.

4. Perusal of record indicates that, the principal accused namely Sandip Patil along with co-accused Anup Naikwadi were arrested by the Police and the weapons used in the present crime, namely, an iron rod and a wooden stick have been recovered from them. The Medical Certificate issued in favour of informant Gajanan Chougule by the Medical Officer attached to P.V.P.G. Hospital Sangli mentions that, the informant has received two simple injuries. The prosecution is seeking custody of the Applicants mainly for recovery of the weapons used in the present crime.

5. As noted earlier, the weapons mentioned in the First Information Report have been recovered by the Police from co-accused namely Sandip Patil and Anup Naikwadi and therefore the custodial interrogation of the Applicants for further investigation of the present crime, according to this Court, is not necessary.

6. In view of the above, the Applicant(s) can be protected by pre-arrest bail.

Interim reliefs granted by Orders dated 5th September 2019 and 4th October 2019 respectively are hereby confirmed.

7. Both the Anticipatory Bail Applications are allowed in the aforesaid terms.

8. In view of disposal of Anticipatory Bail Application No.1956 of 2019, Interim Application No.501 of 2019 for intervention does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]