

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.67 OF 2021

1. Tukaram Maruti Patil, &
2. Asha Tukaram Patil. Applicants
Versus
The State of Maharashtra Respondent

Mr. Kuldeep S. Patil, Advocate for the Applicants.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th MARCH, 2021

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No.57/2020 registered at Mangaon police station, District-Raigad on 18.3.2020 under Sections 307, 353, 332, 333, 327, 504 read with 34 of the Indian Penal Code. The Applicants were arrested on 20.3.2020 and since then they are in custody.

2. Heard Shri Kuldeep Patil, learned Counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the State.

3. The FIR is lodged by API Sagar Kavale. He has stated that between the night of 17th and 18th March, 2020, he was on patrolling duty. At about 2:00 a.m., when their vehicle had reached Indapur junction, two persons stopped them and they complained that their Maxximo Pickup car had touched one Eeco car which was in the front. It was a very small collision but the occupants of the vehicle got down and had beaten them. Their vehicle was forcibly taken away. The informant along with his colleagues then tried to find these two vehicles. They reached an agricultural field at Wadhawan at about 2:45 p.m.. There they saw both the vehicles. He and Police Constable Tekale got down. They gave a call to the inmates of the house. At that time, a man and a woman came out. The woman started quarreling with the informant and started abusing him. The first informant told her to call her sons. Her sons came out. One of them assaulted the informant with an iron rod and the other one kicked hard on his left leg causing fracture. The informant fell down. The Police Constable Tekale tried to intervene but he was also

assaulted. Then the two young men went away in their Eeco vehicle. After some time, other police staff came and the informant was taken for treatment. After this, the FIR was lodged.

4. Learned Counsel for the Applicants submitted that they are in custody since March, 2020. No serious role is attributed to them. The main allegations are directed at their sons. Therefore, their further custody is not necessary. The investigation is over and the charge-sheet is filed.

5. Learned A.P.P. relied on the allegations in the FIR to oppose this application.

6. I have considered their submissions and with their assistance I have perused the charge-sheet. There are eye witnesses to the incident besides the first informant. They are Uddhav Tekale, who was the police constable accompanying the first informant. One Istiyaq Ahmed Fatte Khan has seen the incident and he was knowing the Applicants and their sons. He has narrated the incident in detail.

7. Besides this direct evidence, there is recovery of belt and the name plate of the informant which was removed by the Applicants' sons at Applicant-Tukaram's instance. Therefore, at this stage, the incident cannot be doubted. However, at the same time, as rightly submitted by Shri Patil both these Applicants are not attributed the main role of assault on the informant. There are allegations that Applicant No.2 Asha had beaten the informant with her footwear and had abused him, but, that has not caused grievous injury and for that act she is already in custody for about a year.

8. The injury certificate of the first informant shows that the first informant had suffered fracture of left tibia and there were other four injuries in the nature of contusions and abrasions. All these other injuries are described as simple injuries. Uddhav Tekale has suffered three simple injuries.

9. Considering this aspect, it is clear that the main injuries are caused by the Applicants' sons. The Applicants are already in custody for about a year. The investigation is

complete. Their further custody for the entire duration of trial will not serve any purpose. Therefore, they deserve to be released on bail. Hence, the following order :

ORDER

- (i) In connection with C.R.No.57/2020 registered at Mangaon police station, District-Raigad, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2021.03.17
14:23:52
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)