

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2518 OF 2021**

Ramesh Pandurang Phadtare	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Rahul Dhaigude, for the Applicant.

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

CORAM : V. G. BISHT, J.

RESERVED ON : 24th November, 2021.

PRONOUNCED ON : 7th December, 2021.

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 411 of 2020 registered with Phaltan Rural Police Station, District-Satara for the offences punishable under Sections 307, 341, 143, 147, 148, 149, 504, 506, 188, 269, 270, 114 of the Indian Penal Code and Section 51(B) of Disaster Management Act and Section 37(1)(3), 135 of the Maharashtra Police Act.

2 It is the case of prosecution that on account of earlier dispute

between the informant and the accused, on 18/07/2020 at about 11-00 a.m. to 11-10 a.m., accused, namely, Ramesh Pandurang Phadtare (applicant), Sanjay Pandurang Phadtare, Rajendra Pandurang Phadtare, Shailesh Ramesh Phadtare, Ganesh Ramesh Phadtare, Aakash Sanjay Phadtare, Nagesh Kailas Jadhav and Kailas Bapurao Jadhav formed an unlawful assembly in front of ZP Primary School, Mouje Phadtare Wadi, Taluka Phaltan and assaulted informant's brother, namely, Santosh by means of swords, iron rod and sickle on his head and hands and thereby injured him seriously. The informant accordingly lodged the report.

3 Mr.Dhaigude, learned Counsel for the applicant, invited my attention to the Affidavit-cum-undertaking filed by the applicant pursuant to the directions given by this Court (Coram: Revati Mohite Dere J.) on 8th October, 2021. Further, according to learned Counsel, out of the said accused three accused have already been enlarged on bail by the learned trial Court. Since the present applicant is also similarly situated and has already given an undertaking to this Court, the applicant be enlarged on bail, urged learned Counsel.

4 Mr. Dedhia, learned APP, on the other hand, submits that the injured had suffered grievous injuries because of the assault at the hands

of the present applicant and the other accused. To substantiate that the learned APP invited my attention to the injury certificate of the said Santosh Phadtare and would submit that having regard to the seriousness of the offence, the applicant may not be enlarged on bail.

5 Perused investigation papers. I have gone through the injury certificate pertaining to the injured, namely, Santosh Phadtare. I have also gone through the Affidavit-cum-Undertaking given by this applicant.

6 There is no dispute that the incident was witnessed by the informant. However, it seems that this Court (Coram: Revati Mohite Dere J.) had considered the case of prosecution and therefore, the applicant was permitted to file Affidavit-cum-Undertaking. In the said Affidavit-cum-Undertaking the applicant has undertaken that he will not reside within the jurisdiction of Phaltan Rural Police Station, if released on bail and shall not tamper with the prosecution witnesses.

7 I have also gone through the bail Orders of the other accused, namely, Akash Sanjay Phadtare, Nagesh Kailas Jadhav and Kailas Bapurao Jadhav. I may point it out that as far as accused Akash Phadtare and Nagesh Jadhav are concerned, they were also allegedly

armed with iron rod, like present applicant, whereas accused Kailas Bapurao Jadhav, who is also admitted on bail, had allegedly assaulted by means of stone. The present applicant is also alleged to have used iron rod while assaulting the injured, namely, Santosh Phadtare.

8 I have also seen the injury certificate which shows that the injured had sustained various grievous and simple injuries.

9 In view of the fact that other accused are admitted on bail by the learned trial Court and in the light of Affidavit-cum-Undertaking given by the applicant, I am inclined to allow the application. Hence, the following order.

ORDER

(i) Applicant-Ramesh Pandurang Phadtare shall be released on bail in C.R. No. 411 of 2020 registered with Phaltan Rural Police Station, District-Satara on his executing P .R. bond in the sum of Rs. 20,000/- with one or more sureties in like amount.

(ii) The applicant shall not reside within the jurisdiction of Phaltan Rural Police Station after being released on bail and will stay outside the jurisdiction of Phaltan Rural Police Station.

(iii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.

(iv) The observations made herein-above are prima-facie in its nature for the purpose of deciding the bail application only. The trial Court shall not be influenced by the observations while deciding the case on merits.

(v) Bail before the trial Court.

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

REKHA
PRAKASH
PATIL

(V. G. BISHT, J.)

Digitally signed by
REKHA PRAKASH
PATIL

Date: 2021.12.07
17:09:39 +0530