

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.1768 OF 2021**

Sohail Ashok Patil .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Saurabh D. Butala for the Applicant.

Mr. Ajay Patil, A.P.P. for the State.

...

**CORAM : SMT. BHARATI DANGRE, J.**

**DATED : 29<sup>TH</sup> JULY, 2021.**

**P.C:-**

1. The Complainant Dilip Patil and Accused No.1 Ashok Patil are real brothers and Accused Nos.2 to 4 are the children of Accused No.1.

2. The material placed on record in the form of two NCs and the present complaint in which the Applicant is arraigned as

AJN

Accused No.3 depict a family feud. The two brothers occupied the same building on different floors.

3. The report giving rise to registration of C.R. No.206 of 2021 is dated 22/06/2021 in respect of an incident, which is alleged to have occurred on 19/06/2021 when the Complainant returned from duty at 6.15 p.m. and his wife showed him her *saree* which was torn by someone when it was drying on the terrace. She created a brawl and it is alleged that at that time, the brother of the Complainant, Ashok, his wife and son (the Applicant) and daughter alighted from the top floor. It is alleged that they started assaulting the Complainant by fists and blows and the Applicant is alleged to have assaulted him on his right knee by means of a rod, which caused him an injury. On X-Ray being taken out, it reveals a fracture, requiring him to be hospitalized. The Complainant to explain the delay in lodging the FIR by saying that since he was in pain on account of the injury sustained in the incident, he reported the incident only on 22/06/2021.

4. Mr. Butala, learned counsel appearing for the Applicant has invited my attention to two N.Cs. and the complaint appended along with the Application, filed by his father, the first being lodged in the year 2019 and the second being lodged with the same police station at 10.40 a.m. on 19/06/2021 in respect of an incident of 09.45 a.m. In the said NC, it is alleged that

Complainant was addicted to liquor and abused Accused No.1 on the given time and date. His brother had abused him on the pretext that it is the Applicant, who has torn the *saree* of his wife. This incident is reported to have taken place at 9.45 a.m. and NC is registered on reporting of the incident. In respect of the same incident, the complaint is lodged reflecting that the incident had taken place at 6.15 p.m. on 19/06/2021, where the Applicant is alleged to have assaulted the Complainant by means of a rod causing a fracture of his knee. The discord between the two families appears to be deep rooted and the incident is the result of the same. The Applicant is the nephew of the Complainant and since the allegations levelled are clearly spelt out, the same being appreciated in the backdrop of the NC complaint that has been instituted by the Applicant's father, the Applicant is entitled for protection subject to the stipulation that he will co-operate with the investigation.

**: ORDER :**

- (a) In the event of arrest, the Applicant – **Sohail Ashok Patil**, shall be released on bail in C.R. No.I-206 of 2021 registered with Navin Panvel Police Station, District Raigad, on executing P.R. bond to the extent of Rs.20,000/- and furnishing one or two sureties of the like amount.

(b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicant shall report to the Navin Panvel Police Station, Dist. Raigad, on every Monday and Friday between 10.00 a.m. and 01.00 p.m. for six weeks and, thereafter, as and when called for by the Investigating Officer.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

**[SMT. BHARATI DANGRE, J.]**