

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

**BAIL APPLICATION NO. 544 OF 2021
WITH
INTERIM APPLICATION NO.1052 OF 2021**

Mukesh Gurunath Patil

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vinay Bhanushali for the Applicant.
Mrs.A.A.Takalkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 26th APRIL, 2022.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who is facing trial in Crime No.I-487 of 2020 registered at Narpoli Police Station, Thane for offences under Section 302, 120B of Indian Penal Code.
2. Mr. Bhanushali, the learned Counsel for the Applicant states that the main accused Brijesh Patil has allegedly killed his father Gurunath Patil. There is absolutely no material on record to prove that the Applicant was in any way involved in commission of the said crime, or that he had entered into any conspiracy to commit the said crime.
3. Mrs. Takalkar, learned APP submits that the photograph shows that the Applicant was armed with a sickle. She submits that the offence is of serious nature and hence the Applicant is not entitled for

bail.

4. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by Rama Sudesh Patil, the daughter-in-law of the deceased. The FIR prima facie reveals that on 27.09.2020, the co-accused Brijesh Patil inflicted several injuries on his father Gurunath by means of a chopper. The FIR does not prima facie show the presence of the Applicant at the place of the incident. Similarly, the statement of Sudesh Patil, son of the deceased indicates that on 27.09.2020 at about 3.00 p.m. he had seen the Applicant and his son near Naik Building at Ganesh Ghat. The CCTV footage only shows the presence of the co-accused Brijesh. Apart from the still photograph, there is no material to show the involvement of the Applicant in the crime or in conspiracy in committing the crime. Considering the nature of the accusation, and the material in support thereof, in my considered view, this is a fit case for grant of bail. Hence the application is allowed on the following terms and conditions:-

- (i) The Applicant who is facing trial in Crime No.I-487 of 2020 of Narpoli Police Station, be released on cash bail in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) for a period of four weeks;
- ii) The Applicant shall within the said period of four weeks furnish Bail Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of

the learned Sessions Judge;

(iii) The Applicant shall report to the Investigating Officer or Sr. P.I. of the police station once in two months, on the first Monday of every two months between 11.00 a.m. to 2.00 p.m. until further orders;

(iv) The Applicant shall attend all the dates before the Trial Court till conclusion of the trial, unless exempted.

(iv) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner.

(v) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details/change in contact details, from time to time, to the Investigating Officer;

(vi) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

. Bail Application stands disposed of. Interim Application stands disposed of in view of disposal of Bail Application.

PRASANNA P
SALGAONKAR
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by PRASANNA
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(ANUJA PRABHUDESSAI, J.)