

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1368 OF 2022

Sameer Prakash Tandel ...Applicant
V/s.
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 1730 OF 2022
IN
BAIL APPLICATION NO. 1368 OF 2022

Prakash Shriram Patil ...Applicant
IN THE MATTER BETWEEN
Sameer Prakash Tandel ...Applicant/Intervenor
V/s.
The State of Maharashtra ...Respondent

Mr. Vinod V. Kashid, Advocate, for the Applicant.
Mr. A.P. Kapadnis, APP, for the State.

CORAM : N.R. BORKAR, J.
DATE : 22.11.2022.

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 22 of 2020 registered at Neral Police Station, Karjat, for the offence punishable under Sections 307, 326, 324, 143, 144, 147, 148, 149, 504, 506 of the Indian Penal Code (in short IPC).

3. It is the case of prosecution that on 07/02/2020, the

present applicant alongwith other co-accused assaulted the injured Prakash S. Patil by sword, iron rod, sattoor etc. on account of political rivalry and attempted to kill him.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State, so also the learned counsel for the intervenor.

5. The learned counsel for the applicant submits that according to the prosecution, the present applicant has assaulted the injured by cricket stump. It is submitted that the Sessions Court has granted bail to the co-accused Milind Borade and Mangesh Ahir, who according to the prosecution had assaulted the complainant by iron rod. It is submitted that the applicant is in jail for more than two and half years and there are no other criminal antecedents. It is accordingly, submitted that the applicant may be released on bail.

6. On the other hand, the learned APP and learned counsel for the intervenor submit that the applicant is involved in a serious crime of attempt to murder. It is submitted that the present applicant and other co-accused brutally assaulted the injured by Sword, Sattoor, Iron Rod and Stump. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statements of the injured informant as well as other eye witnesses. The injured- Prakash Patil has stated in his

statement that the present applicant has assaulted on his head and co-accused Milind Borade and Mangesh Ahir assaulted him by Iron Rod on his back and legs. However, the eye-witnesses have stated that the said co-accused assaulted the injured on his head. It is not in dispute that the Sessions Court has released the said co-accused on bail.

8. Considering the above fact and as the applicant is in jail for more than two and half years, I am inclined to release him on bail. In the result, the following order is passed:

ORDER

- A) The Bail Application is allowed.
- B) The applicant be released on bail in Crime No. 22 of 2020 registered at Neral Police Station, Karjat, for the offence punishable under Sections 307, 326, 324, 143, 144, 147, 148, 149, 504, 506 of the I.P.C., on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11:00 a.m. and 2:00 p.m. till the conclusion of trial.

9. In view of disposal of the bail application, the intervention application does not survive and the same stands disposed of accordingly.

[N.R.BORKAR, J.]