

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1726 OF 2022

Shailesh Ramesh Phadtare

...Applicant

vs.

The State of Maharashtra

...Respondent

AND

BAIL APPLICATION NO.1730 OF 2022

Rajendra Pandurang Phadtare

...Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Sandeep Phatak, for the Applicant.

Ms. V. Shinde, APP, for Respondent/State.

Mr. Mohan Rangrao Hange, P.I., Phaltan Gramin Police Station,
present.

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 NOVEMBER 2022

P.C. :

These applications under Section 439 of Cr.P.C. are filed by the aforesaid Applicants who are facing trial in Sessions Case No.71 of 2014, pending on the file of Sessions Court, Satara for offences punishable under Sections 143, 147, 148, 149, 307, 341, 504, 506, 188, 269, 270 of the Indian Penal Code.

2. The case of the prosecution is that there was a previous dispute between the Applicants and other co-accused and the family of the complainant Balaso Phadtare. On 18 July 2020, at about 11.00 a.m., the Applicants and the co-accused formed an unlawful assembly armed with deadly weapons and assaulted Santosh - the brother of the complainant by means of iron rods, sickle, sword and by pelting stones, etc. and attempted to cause his death. Pursuant to the FIR lodged by Balaso Phadtare, Crime No.178 of 2013 came to be registered.

3. The FIR as well as the statements of the witnesses prima facie indicate that the Applicants who were armed with deadly weapons had inflicted injuries on Santosh Phadtare. It is alleged that the Applicant Shailesh was armed with a sword and the Applicant Rajendra was armed with sickle. It is alleged that the Applicants had inflicted injuries on Santosh. The medical certificate prima facie reveals that the injuries sustained by the injured Santosh were caused by blunt and hard object. The medical certificates further reveal that injuries, except the fracture of ankle and knee and mandible, only one injury was inflicted on vital part of the body and the said injury was simple in nature. The Doctor has opined that the injuries sustained by Santosh are not sufficient to cause death in ordinary course of nature.

4. Considering the above facts and circumstances, in my considered view, the material on record does not prima facie indicate that the Applicants had intended or attempted to commit murder of the

deceased Santosh. The co-accused have already been granted bail. The charge is not yet framed. There is no possibility of the trial being concluded in immediate future.

5. Considering the above facts and circumstances, both the applications are allowed on the following terms and conditions :-

- (i) The Applicants, who are facing trial in Sessions Case No.71 of 2014 pending on the file of Additional Sessions Court Satara, are ordered to be released on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;
- (ii) The Applicants shall report to Phaltan Gramin Police Station, Satara, once in two month on every 1st Monday between 11.00 a.m. to 02.00 p.m. until further orders;
- (iii) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicants shall keep the Trial Court informed of their current address and mobile/contact number and/or change of

residence or mobile details, if any, from time to time.

- (v) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

- 6. Both bail applications are disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)