

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2622 OF 2022

1. Rupesh Mangal Patil	]		
2. Akshay Ramesh Patil	]	..	Applicants
vs.			
State of Maharashtra	]	..	Respondents

Mr.Kabul Singh Labana for the Applicants.

Mr.S.V. Gavand, APP for the State.

Mr.Rushikesh Kale for the intervenor.

CORAM : BHARATI DANGRE, J

DATE : 23rd SEPTEMBER, 2022.

P.C.

1] The Applicants are arraigned as accused in CR No.I-81-2017 which invoke offence under Section 143, 147, 148, 307, 324 of the Indian Penal Code.

The subject CR came to be registered on the complaint filed by one Sandeep Patil and it is alleged that when he alongwith one Roshan Patil was chitchatting near his house, the Applicants and co-accused arrived at the spot alongwith weapons and Accused No.1 is alleged to have been armed with sickle, whereas, Accused No.2 was armed with sword. It is stated that they assaulted Rakesh Patil on his head, back and legs and other persons assaulted by fist blows. When the complainant intervened, he was assaulted by one Shivaji on his hand

and shoulder and they fled away from the spot. The injured persons were examined in Kalyan Dombivali Municipal Corporation Hospital. As far as Roshan Patil is concerned he sustained two incised wounds on forehead and occipital region. He also sustained 3 incised penetrating wounds on his knee and legs. The first three injuries are described as simple injuries. As far as Sandeep Patil is concerned he sustained incised wound left forearm which is described as a grievous injury.

2] The very same incident resulted into registration of cross CR vide No. 82/2017 which also invoke offences under Section 324 read with 34 of the Indian Penal Code and it came to be lodged by Akshay Patil who alleged that Nagesh Patil assaulted on his head by the rear end of the sword and Nilesh caught hold of him. It is alleged that Nilesh and Snadeep assaulted him by iron rod.

The investigation is complete and charge-sheet has been filed against the co-accused in the subject CR barring the present two applicants.

3] The learned counsel for the parties states that applicants and complainants are related to each other and also residing in the neighbourhood. The learned counsel for the complainant has placed on record an Affidavit of the Complainant Sandeep Patil, who has stated that with the assistance of well-wishers and family members, the discord between its members is amicably settled and they are also likely to file Petition seeking quashing of the FIR. The Affidavit dated 23.09.2022 is taken on record and marked as 'X' for identification.

4] It can be seen that two cross FIRs invoke offence of attempt to murder and the complainant and accused persons are members

belonging to the same family. Since they have already settled dispute and on completion of investigation charge-sheet is also filed in both the CRs against co-accused, custodial interrogation of the Applicants is not necessary.

Hence, following order :

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.I-81/2017 registered with Khadakpada Police Station, the applicants Rupesh Mangal Patil and Akshay Ramesh Patil shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.
- (c) The applicants shall report to the concerned police station as and when called for.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

[BHARATI DANGRE, J]