

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1518 OF 2023**

Pawan s/o Bhagwat Patil,
Age: 22 years, Occu.: Agriculturist,
R/o. Vitwa, Tal. Raver, Dist. Jalgaon. ..Applicant

Versus

The State of Maharashtra,
At the instance of Nimbhora Police Station,
Tal. Raver & Dist. Jalgaon. ..Respondent

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Mr. Shaikh Nasimoddin Rafiyoddin, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 31st AUGUST, 2023.**

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is seeking regular bail in Crime No.0068/2023 registered with Nimbhora Police Station, Tal. Raver, Dist. Jalgaon for the offence punishable under 307, 326, 324, 504, 506, 323 r/w. 34 of the Indian Penal Code.

3. The investigation was set in motion on the basis of information given by Kavita Sanjay Patil. She alleges that on 24.04.2023, in the evening she heard noise of abuses encountered by one Ranjana Bhagwat Patil. When she came out of the house, she noticed that her son Nilesh was standing alongwith his motorcycle and Ranjana Patil was abusing him. It is further alleged that Bhagwat Jairam Patil and applicant Pawan Bhagwat Patil arrived at the spot. They were holding iron angle and still

rod in their hand. Accused Bhagwat Patil gave blow on the head of Nilesh using iron angle, whereas the applicant Pawan Patil hit husband of the informant i.e. Sanjay Patil using iron rod. As such, she further alleges that the accused persons have also assaulted her. In pursuance of the aforesaid information, Crime No.0068/2023 was registered with Nimbhora Police Station for the aforesaid offences. The applicant was arrested in pursuance of the aforesaid crime on 25.04.2023. Since then he is behind the bar. His prayer for grant of bail has been rejected by the Sessions Court vide order dated 03.08.2023. Hence, this application.

4. The learned Advocate appearing for the applicant would submit that the co-accused has been already enlarged on bail vide order dated 03.08.2023, however, the prayer for bail of the present applicant is rejected. He would submit that the applicant is alleged to have inflicted injuries to Sanjay Patil. The injury certificate would depicts that he had suffered simple injury. On the other hand the accused no.1, who has been released on bail is alleged to have caused serious injuries to Nilesh Patil. He would further submit that the investigation in the matter is completed and charge-sheet is filed. The applicant is behind the bar for more than four months. The trial would take its own course. The applicant can be released on bail by imposing certain conditions to secure interest of the prosecution.

5. The learned APP vehemently opposes the application. She would point out that the applicant used deadly weapons and hit on vital part i.e. head of the Sanjay Patil, who was hospitalized during the period from 25.04.2023 to 28.04.2023. She would further point out that the weapon of the offence is seized at

the behest of the applicant. There is ample evidence to show the involvement of the applicant in commission of the offence. She would submit that release of the other accused itself cannot be ground to enlarge present applicant on bail.

6. Having considered the submissions advanced, it is apparent that two persons suffered injuries in the incident. The victim Nilesh appears to have suffered serious injuries, which is attributed to blow given by Bhagwat Patil/accused no.1. Relatively, the injury suffered by the Snjay Patil appears to be simple in nature. Apparently, there is no fracture on head. He has been discharged from hospital after primary treatment. Although, there is direct evidence against the applicant, investigation in the matter is over. He is behind the bar for more than four months. The incident appears to have been occurred at the spur of moment without any pre-meditation. There are no criminal antecedents. Further detention of the applicant would not serve any purpose. In that view of the matter, case is made out to grant bail subject to certain condition as are imposed by the Sessions Court while releasing the co-accused on bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Pawan s/o Bhagwat Patil be released on bail in Crime No.0068/2023 registered with Nimbhora Police Station, Tal. Raver, Dist. Jalgaon for the offence punishable under 307, 326, 324, 504, 506, 323 r/w. 34 of the Indian Penal Code on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not threaten or pressurize complainant, victims and any witness in the case directly or indirectly, and shall not tamper evidence.
 - b. The applicant shall produce identity proof alongwith his contact numbers, and numbers of those persons who shall be approached in case the accused is found unavailable.
 - c. The applicant shall attend police station Nimbhora once in fifteen days on first and third Monday in a month between 11.00 am to 02.00 pm until further orders, and the police station shall inform the Court, if default is committed by said accused.
 - d. The applicant shall not commit any offence during period of release.
 - e. Breach of any condition would result in cancellation of bail so granted.
 - f. Bail before learned Magistrate.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE