

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 520 OF 2022**

Vinayak Mohan Patil

...Applicant

Versus

The State of Maharashtra and anr.

...Respondents

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Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite i/b Mr. Samay Pawar for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Shantanu Phanse for Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 15 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 159 of 2020 registered at Gokul Shirgaon Police Station, Kolhapur for the offences punishable under Sections 394, 307, 354, 452, 323, 504, 506, 427, 120-B of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the respondent No. 2.

4. According to the prosecution, the applicant is a member of organized crime syndicate formed by co-accused Akshay Patil. It is alleged that on the date of incident, which took place on 20 May 2020 the present applicant and other co-accused assaulted the complainant and his family members by sword, iron rod etc. and attempted to kill them as the complainant was asking the people in the vicinity to lodge complaint/protest against the illegal activities of organized crime syndicate formed by co-accused Akshay Patil.

5. I have perused the injury certificates of complainant-Ravindra Pralhad Suryavanshi and his brother-Prakash Suryavanshi. During the medical examination of Prakash Suryavanshi, no external injury was found on his person. As regards the complainant, only two abrasions were found on his person. Prima facie, medical evidence is not consistent with the version of the complainant. The applicant is in jail for more than two and half years.

6. The learned APP submits that the applicant is involved in three more crimes. However, considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 159 of 2020 registered at Gokul Shirgaon Police Station, Kolhapur for the offences punishable under Sections 394, 307, 354, 452, 323, 504, 506, 427, 120-B of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4) of the

Maharashtra Control of Organized Crimes Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(iii) The applicant shall not enter into the limits of Kolhapur district except to attend the dates before the trial Courts till conclusion of trial.

(iv) The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(v) The prosecution is at liberty to file an application for cancellation of bail, if any of the condition is breached.

(N.R. BORKAR, J.)