

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 558 OF 2020

Ajit S. Patil
V/s.
The State of Maharashtra

...Applicant
...Respondent.

Mr. Prashant Raul a/w. Mr. Mayur G. Sanap for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 30.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. This Court on 6 March 2020 passed the following order:
 1. *The applicant is apprehending arrest in connection with CR No.259 of 2018 registered with Rajarampuri Police Station, Kolhapur, for offences under Sections 307, 143, 147, 148, 149, 323, 504, 506 and 427 of Indian Penal Code. The FIR was lodged on 27th July 2018.*
 2. *A group of persons armed with weapons had gathered together. Some of them assaulted the complainant and caused damage to property. Applicant was allegedly present at the scene of offence with hockey stick.*
 3. *The complainant has alleged that he was assaulted by accused Ajinkya Patil by sword. Complainant has sustained one injury. Cross FIR has been registered at the instance of Ajinkya Patil with the same police station on the same day. Ajinkya Patil had sustained injuries which is apparent from the injury certificate. Learned advocate for applicant submitted that although FIR was lodged in July-2018, there is no attempt to arrest him.*
 4. *The contention of the applicant is that he was alleged armed with hockey stick. However, there is no role of assaulting the complainant or any other witnesses. Learned APP, however, submits that the applicant had caused damage to the vehicles viz car and motorcycle. The co-accused Mahesh has preferred application for anticipatory*

bail before this Court. Interim protection was granted to him by order dated 28th February 2020.

5. Considering the role attributed to applicant and the order granting interim protection to the co-accused, both the applications can be heard together. Hence, I pass following order :

ORDER

(i) In the event of arrest of applicant in connection with CR No.259 of 2018 registered with Rajarampuri Police Station, Kolhapur, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The applicant shall report the Investigating Officer on 9th, 10th, 11th and 12 March 2020 between 11 am and 1 pm;

(iii) This interim protection is granted till 26th March 2020. Stand over to 26th March 2020;

(iv) To be heard along with ABA No.450 of 2020."

3. I have perused the FIR. The allegations of assault are against the co-accused Ajinkya Patil. There are no other criminal antecedents. Considering overall facts and circumstances, I am inclined to allow the present application. Accordingly, the interim order dated 6 March 2020 is hereby confirmed, subject to payment of Rs.10,000/- to Police Welfare Fund in the following account, within three weeks from the date of uploading of this order:

"Name : Mumbai Police Welfare Fund
Bank : Axix Bank, Branch Lamington Road.
A/c. : 465010100008693
IFSC Code : UTIB0000465"

7. The Anticipatory Bail Application is disposed of.

[N.R.BORKAR, J.]