

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1289 OF 2022

Akshay @ Subhi Sunil Patil ... Applicant

V/s.

State of Maharashtra ... Respondent

.....
Advocate S.B.Bhatagunaki, Advocate for Applicant.
Ms. Anamika Malhotra, APP for Respondent-State.
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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. I-67 of 2020 registered with Vishnu Nagar Police Station, Thane for the offences punishable under Sections 307, 326, 324, 141, 143, 144, 147, 148, 149, 504 and 506 of Indian Penal Code, 1860 (for short "IPC") and under Sections 3, 25, 4, 27 of Arms Act and under Sections 37(1)(3) and 135 of Mumbai Police Act.
2. It is the prosecution's case that Applicant assaulted on buttock of Pramod Patil with sword and he allegedly assaulted injured Milind Bhoir on his hand with sword.

3. It is the contention of learned Counsel for Applicant that considering the allegations against the Applicant no case of attempt to murder is made out against the Applicant. As per the prosecution's case Applicant assaulted injured Pramod Patil on his buttock and Applicant assaulted with sword on the hands of injured Milind Bhoir. Learned Counsel further submitted that in all 12 accused were arrested in connection of the present crime out of 12 accused, one accused is absconding and other 10 co-accused have been released on bail. Learned Counsel further submitted that, injury certificate of Promod Patil shows nature of injuries caused to hand were simple as per the allegations against the Applicant, Applicant had inflicted injury on the hand of Milind Bhoir. Investigation has been completed and charge-sheet has been filed. Applicant is behind the bar more than 3 years. Hence, requested to allow the Application.

4. It is the contention of learned APP that, at the time of incident Applicant was holding sword in his hand and by the said sword he assaulted injured persons. It has come in the evidence of the injured Milind Bhoir that Applicant had assaulted him with sword on his hand.

5. Learned APP further submitted that, the injured witness Pramod Patil has stated that Applicant assaulted him with sword. It shows involvement of Applicant in the crime. Applicant has antecedents, hence requested to reject the Application. If Applicant is released on bail he may threaten the prosecution witnesses.

6. I have heard both the learned Counsel.

7. Perused the FIR and charge-sheet. As per prosecution's case Applicant had assaulted on buttocks of Promod Patil with sword and hands of the injured Milind Bhoir. The medical report of Pramod Patil shows the nature of injuries were simple and Milind Bhoir's report shows both wrists injuries were grievous. Except Applicant all other co-accused have been released on bail. Investigation is completed and charge-sheet has been filed. Applicant is behind the bar more than three years. Though Applicant has antecedents, he is released on bail in those cases. Considering the above facts, no further detention of the Applicant is required.

8. In view of the above, I pass following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. I-67 of 2020 registered with Vishnu Nagar Police Station, Thane,

on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date: 2023.09.15
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