

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3476 OF 2022

Ravindra Gopinath Patil ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Ms. S. P. Parulekar for the applicant.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 19, 2023

P.C.:

1. This is an application under section 439 of the Criminal Procedure Code, 1973, in connection with C.R. No.53 of 2022 registered with Lonavala Rural Police Station for offences punishable under sections 302, 307, 324, 323, 504 read with section 34 of the Indian Penal Code, 1860.

2. According to prosecution, on 8th April 2022 informant along with his friends including deceased Manoj Patil went to Vihirgaon to attend religious fair. On 9th April 2022, at about 00:30 hours they all went to see fair. They saw some people gathered in the lane nearby "Payatha Mandir" at Vihirgaon. They went there and saw that some people were playing game. They came to know that mobile of one of them i.e. Kartik is stolen. They thought that

someone from persons playing game there must have stolen said mobile. Then, two people started abusing and quarreling with them. Someone gave blows of bamboo on his head from back side. One other person gave blow of some sharp edged weapon in his rib from left side and caused injury to him. Those people also beat Harshad Patil. Four people were assaulting Manoj Patil by bamboo and other weapons and left the place. At that time, they got knowledge that Manoj Patil is not with them. They searched Manoj Patil and found Manoj Patil lying there having injury on his chest and his T-shirt was blood stained. He was shifted to Rural Hospital of Talegaon by an Ambulance. There doctor declared him as dead. He submitted that he can identify assailants and their age were between 30 to 40 years.

3. The applicant was arrested on 3rd May 2022. On 6th July 2022, the investigating agency completed investigation and filed charge sheet. On 29th September 2022, the Sessions Judge rejected the application.

4. On perusal of the charge sheet, it appears that the informant has not named the applicant in the report. Test identification parade held on 9th May 2022. The applicant is identified by the informant and other two injured eye-witnesses. In statements recorded under section 164 neither the informant nor the persons who identified the applicant has attributed any specific role to the applicant. There is no recovery from the applicant. However, according to the prosecution, bamboo allegedly used by the applicant is recovered from co-accused. It appears that use of sharp edged weapon is attributed to co-accused. The cause of

death is acute cardiorespiratory arrest due to hemorrhagic shock due to major and deep stab injury ruptured spleen head injury. On prima facie perusal of the material on record, it appears that specific role is not attributed to the applicant by the witnesses either in statement under section 161 or 164. The applicant was arrested on 3rd May 2022. The charges are yet to be framed. It is unlikely that the trial will be over in near future. The applicant has, therefore, made out a case for relief. Hence, following order:

- a) The applicant Ravindra Gopinath Patil is released on bail in connection with C.R. No.53 of 2022 registered with Lonavala Rural Police Station for offences punishable under sections 302, 307, 324, 323, 504 read with section 34 of the Indian Penal Code, 1860, on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;
- b) The applicant shall attend concerned police station on first Saturday of each month between 11:00 a.m. to 02:00 p.m.;
- c) The applicant shall remain present before the trial Court on each date unless exempted by the Court;
- d) The applicant shall not directly or indirectly contact the witnesses or tamper evidence collected by the prosecution;
- e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not

change the residence till the final disposal of the case.

5. The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)