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

BAIL APPLICATION NO.3683 OF 2023

SAGAR DADASO POTDAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Mayur Mohite a/w Adv. Yuvraj Narvankar for the
applicant.

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

Naganath Mahadeo Bharate, ASI, Patan Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 2023

P.C. :

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

2. This is an application for bail in respect of the offence
punishable under Sections 307, 341, 324, 323, 504, 506
read with 34 of the Indian Penal Code (hereafter 'IPC' for
short) registered on 05.10.2023 vide C.R. No.223 of 2023
with Patan Police Station, District Satara.

3. There are in all three accused. The applicant is the
accused No.1. The applicant was arrested on 08.10.2023. It
is alleged that the applicant is the Chairman of the Patan

Nagar Panchayat. There was a protest arranged on 04.10.2023 against the Nagarpanchayat Patan due to water shortage in the area of Patan. The complainant was one of the protester in the said protest. In the midst of the protest the applicant threatened the complainant that he will kill the complainant in two days. On 05.10.2023 the motorcycle of the complainant was intercepted and it is alleged that the applicant along with two other accused assaulted the victim. The applicant tried to assault the victim with an iron rod on his head. The co-accused is alleged to have assaulted the complainant with plastic bucket on his head. The injuries suffered by the complainant are simple in nature.

4. Learned APP while opposing the application for bail submitted that the offence is serious as the intent of the applicant was to assault the victim on his head and cause grievous injury. It is further submitted that the investigation is in progress and the charge-sheet is not yet filed. Learned APP submitted that the injury certificate supports the case of the prosecution as there are fresh injuries.

5. I have perused the injury certificate which indicates

that the injuries are simple in nature. The applicant was arrested on 08.10.2023 and is now in custody for more than two months. In the facts and circumstances of the present case, in my opinion, further custody of the applicant is not necessary. There are no criminal antecedents reported against the applicant. I was inclined to impose the condition of directing the applicant not to enter the jurisdiction of Patan Police Station, however, as the applicant is the Chairman of the Patan Nagar Panchayat, the work of which should not suffer, I refrain from imposing this condition. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sagar Dadaso Potdar in connection with C.R. No.223 of 2023 registered with Patan Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Patan Police Station on 26th, 27th and 28th December, 2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called till the filing of the charge-sheet. After filing of the charge-sheet the applicant shall report to the Investigating Officer of Patan Police Station as and when called.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) The applicant is put to notice that if there is any attempt on the part of the applicant to threaten or intimidate the complainant, the same shall be viewed seriously which may result in cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)