

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

CRIMINAL BAIL APPLICATION NO.301 OF 2024

1. Pratap Jaysingh Patil, &
2. Aniket Pratap Patil Applicants
Versus
The State of Maharashtra Respondent

Mr. Satyavrat Joshi, Advocate a/w. Yash Fadtare, Disha Rathod,
Kaniksha Hasabinis, Sakshi Mane i/b. Samay Pawar, for the
Applicants.

Smt. M.H.Mhatre, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd FEBRUARY, 2024

PC. :

1. The Applicants are seeking their release on bail in connection with C.R.No.137/2019 dated 26.5.2019 registered at Shirala Police Station, District Sangli under sections 302, 143, 147, 148 and 149 of IPC and under Sections 37 and 135 of the Maharashtra Police Act.

2. Heard Mr. Satyavrat Joshi, learned counsel for the Applicants and Smt. M.H.Mhatre, learned APP for the Respondent-State.

3. The Applicants had earlier approached this Court for their release on bail vide LD/VC/DIST Bail Application No.149/2020. Said application was rejected by a coordinate Bench (Coram: C.V. Bhadang, J.) vide order dated 9.9.2020 by giving reasons. Said learned Judge has since retired and as per the notice dated 19.1.2024 the matter is placed before me because I had considered the Bail Application of a co-accused at the earlier point in time.

4. The FIR is lodged by Shankar Patil in respect of murder of his son Bhagwan. The FIR mentions that he had heard that the deceased Bhagwan was found in compromising position with the Applicant No.1's wife about 15 days before the main incident of commission of murder. On 25.5.2019 at about 10.00 p.m., the informant received a phone call that the Applicant No.1 and his relatives had assaulted Bhagwan near their vasti. The informant and his relatives started proceeding towards that spot. On the way, they saw both the Applicants, the Applicant No.1's wife and two unknown persons passing on two-wheelers. Both the Applicants were carrying sticks. When the informant reached the spot he saw that Bhagwan was lying

in an injured condition. He had suffered severe injuries. He was taken to the Government Hospital at Shirala where he was declared dead. On this basis, the FIR is lodged.

5. The investigation was carried out and the Applicants were arrested on 26.5.2019. Since then they are in custody. The charge-sheet is already filed. The charge-sheet contains statements of two eye witnesses, namely, Arvind Patil and Nitin Patil. There is a statement recorded under Section 27 of Cr.P.C. given by the Applicant No.1, pursuant to which the sticks were recovered.

6. Learned counsel for the Applicants submitted that the Applicants are in custody for almost five years now. In the meantime, the other coaccused are granted bail. He submitted that one of the co-accused Shobha Patil was granted bail by a coordinate bench of this Court (Coram: M.S. Karnik, J.) vide order dated 14.12.2023 passed in B.A. No.4019/2023 on the ground that the said Applicant was in custody for more than 4 years & 6 months. The trial was not protracted at the instance of that Applicant and considering the period spent in custody as an under trial prisoner, she deserved to be released on bail. He

submitted that the same principles apply to the present Applicants as well because the eye witnesses have named and have attributed the specific role to the said co-accused Shobha Patil. He submitted that in the present case also the Applicants have not protracted the trial. Infact the complainant had made an application for transfer of the case to another learned Judge. The Applicants had at no point of time tried to delay the trial.

7. Learned APP made submissions on the merits of the matter. She relied on the statements of the eye witnesses. However, she could not justify the delay in conducting the trial.

8. I have considered these submissions. The postmortem notes show that the deceased had suffered multiple injuries on the hand and leg as well as on the head. The cause of death was mentioned as 'due to hemorrhage at multiple injuries sites due to assault'. The eye witnesses statements show that both of them had seen both the Applicants assaulting the deceased with sticks. Thus there is sufficient material against the present Applicants of causing assault. However, the fact still remains that they are in custody since 25.5.2019. Not even a single witness is examined so far. Therefore, it is quite obvious

that the trial will take a very long time to commence and to conclude. Therefore, only on those grounds, which were considered by a coordinate Bench of this Court in B.A. No.4019/2023, the Applicant will have to be released on bail pending trial.

9. Hence, the following order :

ORDER

- (i) In connection with C.R.No.137/2019 registered at Shirala Police Station, District Sangli, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Criminal Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)