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

BAIL APPLICATION NO.833 OF 2024

HANMANT SUBHARAO PATIL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Nikam i/b. Adv. Amit Icham for the applicant.
Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 2, 2024

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 302, 307 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) and under Section 4(25) of Arms Act registered on 27.02.2023 vide FIR bearing C.R. No.29 of 2023 with Kasegaon Police Station, Sangli.

3. There are in all four accused. The applicant is the accused No.2. The applicant was arrested on 27.02.2023. The date of the incident is 27.02.2023. The FIR was lodged by the son of the deceased. As per the allegations in the FIR

the accused No.1-Raghunath Patil, who is the real brother of the present applicant, carried an impression in his mind that the deceased was in a habit of staring at his wife with some bad intention. On the date of the incident i.e. 27.02.2023 when the deceased was sitting along with some of his acquaintance, the accused came there with sharp edged weapons. The applicant had a koyta with him whereas accused No.1-Raghunath had a knife. The accused No.1-Raghunath assaulted the deceased with a knife. The applicant is not the assailant. There are eye witnesses to the incident but no role is attributed to the applicant except that he was carrying a koyta. Whether the applicant shared a common intention with the accused No.1 to kill the deceased will obviously be a factor which will be gone into during trial.

4. Learned APP opposed the application for bail. It is submitted that the applicant has played an active role in the assault as he was carrying a sharp edged weapon. According to him, the accused shared a common intention to kill the deceased.

5. In the facts and circumstances of the present case, considering the role of the applicant and as he is in custody since 27.02.2023 for a period of more than one year, with the investigation complete and the charge-sheet filed, I am inclined to enlarge the applicant on bail. The order of the trial Court does not record about any criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed;
- (b) The applicant-Hanmant Subharao Patil in connection with FIR bearing C.R. No.29 of 2023 registered with Kasegaon Police Station, Sangli shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount;
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 4 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kasegaon Police Station, Sangli once in three months every first Monday of the concerned month

between 11:00 a.m. and 1:00 p.m. commencing May 2024;

(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) For a period of one year from today the applicant shall not enter the jurisdiction of Kasegaon Police Station, Sangli except for the purpose of reporting to the Investigating Officer. After a period of one year it is open for the applicant to apply to the trial Court for modification of this condition, which application shall be considered on its own merits;

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

6. The application is disposed of.

(M. S. KARNIK, J.)