

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

ANTICIPATORY BAIL APPLICATION NO.154 OF 2024

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1) Roshan Vithoba Patil

2) Paresh Kamlakar Patil

3) Kamlakar Bhagwan Patil

...Applicants

versus

The State of Maharashtra

.... Respondent

Mr. Gaurav Parkar, for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JANUARY 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R. NO.348 of 2023, registered with Pen Police Station, Raigad on 27th December 2023 under Section 326,324 read with 34 of IPC.
2. Heard Mr. Gaurav Parkar, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.
3. The FIR is lodged by one Sushma Patil. She has stated that on 26th December 2023, at about 7.00 P.M. her relative, the

Applicant Roshan Patil parked his two wheeler in front of their house. The informant's husband Dashrath Patil objected to that. There was a quarrel. The informant's brother-in-law came outside the house and intervened in the quarrel. The Applicant No.1 Roshan Patil took out an iron rod attached to his motorcycle and gave a blow on the informant's brother-in-law Dhandas Patil's head and on the left hand. At that time, the other two Applicants Paresh Patil And Kamlakar Patil came there. They were having pipe and iron rod. They assaulted the informant's husband and brother-in-law.

4. The informant tried to intervene at that time. One Gulab Patil gave a blow with stick on her left hand. On these allegations, the FIR is lodged.
5. Learned counsel for the Applicant submitted that story in the FIR is not true. Infact, Dhandas Patil himself had assaulted Gulab Patil and for that she had lodged her FIR vide C.R. No.349 of 2023 at the same Police Station. He submitted that considering the petty nature of the quarrel, the Applicant deserves protection of anticipatory bail order.

6. Learned APP opposed this submission. She produced investigating papers before the Court. She submitted that there are corroborating statements of the eye witnesses including the injured witnesses. She produced the injury certificates in respect of Sushma Patil, Dhandas Patil, and Dashrath Patil.
7. I have considered these submissions. Sushma Patil has suffered a fracture of left hand. Dhandas has suffered one simple CLW on the head but has suffered fracture of finger of his left hand. It is described as a grievous injury. Dashrath has suffered three simple injuries.
8. From the narration in the FIR it is clear that at the first instance, the Applicant Roshan Patil assaulted Dhandas on head and on the left hand. There is fracture of the finger of left hand. Therefore Roshan has committed the offence under Section 326 of the IPC. The other two Applicants came subsequently and have caused simple injuries. Therefore, to that extent, their role is separate. They can be given relief. There is reasonable doubt about their sharing common intention with Roshan Patil. Sushma had suffered injury at the hands of Gulab Patil who had

come subsequently. The other Applicants had not assaulted Sushma. Taking overall view of the matter, the Applicants, Paresh Patil and Kamlakar Patil can be protected. The Applicant Roshan Patil's role is clearly made out; he does not deserve the protection,

9. Hence, the following order :

ORDER

- (i) The Application for Applicant No.1 Roshan Patil is dismissed.
- (ii) In the event of their arrest in connection with C.R.No.348 of 2023 registered with Pen Police Station, Raigad the Applicants Paresh Patil, and Kamlakar Patil are directed to be released on bail on their executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) each with one or two sureties each in the like amount.
- (iii) The Applicants shall co-operate with the investigation.
- (iv) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)