



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1782 OF 2023

Raghunath Krushnat Patil ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Aniket Nikam i/b. Mr. Amit Icham, Mr. Satyajeet Mane, and Mr. Dushywant Digambar, Advocates, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent-State.
Mr. Madhav Dnyanoba Digole, P.S.I., Kagal Police Station, Kolhapur, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th MARCH 2024

PC:-

1. Heard Mr. Nikam, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	41 of 2023
2.	Date of registration of F.I.R.	15/02/2023
3.	Name of Police Station	Kagal Police Station, District-Kolhapur

4.	Section/s invoked	302, 307, 427, 143, 147, 148, 149, 506, 504 of the I.P.C., 1860
5.	Date of incident	15/02/2023
6.	Date of arrest	20/02/2023
7.	Date of filing of Charge-sheet	21/04/2023

3. As per the prosecution case, the Applicant and the deceased are related to each other and their agricultural fields are adjoining each other. There was a dispute over the right of passage between them. The Applicant had filed proceedings before the Tahsildar against the deceased and others, under Section 5(2) of the *Mamlatdars' Courts Act, 1906*. In the said proceedings, an order was passed in favour of the Applicant and the Revision filed by the deceased has been dismissed by Order dated 28th December 2022. The deceased has preferred Writ Petition (St.) No.1717 of 2023 against the Applicant. The dispute occurred as the Applicant was insisting on using the said road on the basis of orders passed by the Tahsildar as well as the Sub-Divisional Officer and therefore, the Applicant and his family members i.e. total 7 Accused assaulted the deceased and his family members. As per the prosecution case, the incident in question occurred on 15th February 2023, when an altercation occurred between the deceased and the Accused

regarding the right of passage. The Applicant assaulted the deceased with a stick and shovel. The other Accused persons assaulted the deceased with a stick, kicks, and fist blows.

4. Mr. Nikam, learned Counsel for the Applicant submitted that the incident in question occurred on the spur of the moment and in an altercation regarding right of passage. In fact, earlier, there were complaints/F.I.R. filed against the deceased. He submitted that the investigation is complete, Charge-sheet is filed and there are 26 witnesses proposed to be examined by the prosecution. There is no progress in the trial and even the charge is also not framed yet. All other co-Accused have been released on bail.

5. On the other hand, Ms. Shinde, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that there are about 6 eye-witnesses to the incident. The Applicant has assaulted the deceased mercilessly therefore, the Bail Application be rejected.

6. Perusal of the record shows that in the present case, the incident in question occurred on 15th February 2023, F.I.R. was

lodged on 15th February 2023, the Applicant was arrested on 20th February 2023 and, Charge-sheet was filed on 21st April 2023. There is no progress in the trial and even the charge is also not framed yet. As per the Charge-sheet, there are 57 witnesses proposed to be examined by the prosecution. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

7. The incident in question occurred when an altercation occurred between the deceased and the Accused regarding the right of passage. There are total 7 Accused. All co-Accused have been released on bail by the learned Sessions Judge, Kolhapur.

8. There are no criminal antecedents against the present Applicant.

9. Mr. Nikam, learned Counsel appearing for the Applicant states that as most of the witnesses are from Kagal taluka, the Applicant will therefore not reside within Taluka - Kagal, District - Kolhapur and that the Applicant will reside at C/o. Mrs. Saraswati

Chandrakant Yadav, 329, Mangeshwar Chowk, Sangliwadi, Sangli,
416416.

10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:-

ORDER

- (a) The Applicant - Raghunath Krushnat Patil be released on bail in connection with C.R. No.41 of 2023 registered with the Kagal Police Station, District - Kolhapur on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the Kagal taluka after being released on bail, except for reporting to the Investigating Officer, if called, and for attending the

trial.

- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Sangli City Police Station, District - Sangli once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Sangli City Police Station, District - Sangli to communicate details thereof to the Investigating Officer.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

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

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]