



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 993/2023

Suraj Dnyandeo Patil Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. PS. Wathore, counsel for the applicant.

Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2024.

1. The present application is filed by the applicant for grant of bail, in connection with Crime No.259/2023 registered with Police Station Mangrulpir, District Washim, for the offences punishable under Sections 307, 326, 341, 201 read with Section 34 of the Indian Penal Code, 1860. The applicant came to the arrested on 04/09/2023.

2. The accusations against the present applicant is on the basis of the report lodged by the complainant namely – Manohar Irbhanji Chavhan father of the injured, alleging that on the day of the incident, he had been to attend the marriage ceremony at Mangrulpir, District Washim. Prior to that, on 16/04/2023, there was a quarrel between the present applicant and son of the informant. On 17/04/2023, when he had been to Selu Bazar to purchase some articles, he received a telephonic message from his son, that he is assaulted by

the present applicant and other accused by means of sickle and fighter, and due to which he had sustained the injuries and thereafter he was admitted the hospital. Therefore, the informant was immediately rushed to the hospital. On the basis of said report, the police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that due to the previous dispute, the present applicant is falsely implicated in the alleged offence. In fact, no such incident has occurred and the injured has sustained the injury by other reasons.

4 He submitted that now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. The injured has already been discharged from the hospital and now, there is no apprehension of death, as the injuries sustained by him are not life-threatening injuries. He further submitted that another co-accused has already been released on bail, in view of that, the present applicant be released on bail.

5. Learned APP strongly opposed the present application on the ground that there is a prima-facie material available against the present applicant and the injured has sustained the life-threatening injury i.e. fracture on left parietal and right frontal bone and minimal subarachnoid hemorrhage with thin subdural haematoma.

6. Thus, there was an apprehension of death. At the relevant time, the applicant is a history-sheeter and four crimes are registered against him. If he is released on bail, he will tamper with the prosecution evidence and prays for rejection of the application.

7. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. It is apparent that, the alleged incident occurred due to the previous dispute between the parties. The injured was admitted in the hospital on 17/04/2023 and discharged from the hospital on 26/04/2023. Now, investigation is already completed and the apprehension of the death is not there. Considering the facts and circumstances of the case, the alleged incident has occurred, now, the injured is discharged from the hospital, further incarceration of the present applicant is not required. In view of that, criminal application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The applicant – Suraj Dnyandeo Patil be released on bail, in connection with Crime No.259/2023 registered with Police Station Mangrulpur, District Washim, for the offences punishable under Sections 307, 326, 341, 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. bond in the

sum of Rs.25,000/- with one surety in the like amount.

- b) The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.
- c) The applicant shall attend the trial Court regularly without seeking any exemption unless there are exceptional circumstances.
- d) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]