

HARSHADA H. SAWANT  
(P.A.)

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

**BAIL APPLICATION NO.1863 OF 2025**

Sanjay Kashinath Patil

.. Applicant

**Versus**

The State of Maharashtra

.. Respondent

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- Ms. Ketkee Kamble, Advocate i/by R. D. Suryawanshi for Applicant.
- Mr. Dinesh J. Haldankar, APP for Respondent.
- API – Ajit Sabale, Wada Police Station, Palghar.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : MAY 06, 2025**

**P.C.:**

**1.** Heard Ms. Kamble, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent.

**2.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No.252 of 2020 registered with Wada Police Station for offences punishable under Sections 307, 326, 504 and 506 of the Indian Penal Code, 1860.

**3.** Applicant in the present case is 35 years old agriculturist having been indicted and accused of committing an assault on his father-in-law who is First Informant – Complainant. According to the prosecution case, Applicant had quarrel with his wife of 7 years and in that quarrel he abused and beat his wife which news was relayed to

First Informant – Complainant who immediately rushed to house of Applicant and intervened in the quarrel.

**4.** It is borne out from the record that Applicant got extremely angry and took a sickle lying on the cupboard in his house and attempted to assault First Informant – Complainant. He attempted to inflict a blow on the left side of his neck but Complainant put his left hand in between to save himself resultantly injuring his little finger and ring finger in the process. The injury resulted in amputation of the little finger and ring finger. Applicant also inflicted two more blows on the left shoulder and left knee of First Informant – Complainant resulting in two simple injuries.

**5.** Ms. Kamble would persuade the Court to consider facet of long incarceration of Applicant for 4 years, 5 months and 19 days in prison pending trial. She would submit that charge has not been framed till date and ignominy of trial been completed in near foreseeable future being indistinct would persuade the Court to grant bail to Applicant.

**6.** Mr. Dedhia, learned APP appearing on behalf of Respondent in his usual fairness would persuade me to go through the record appended to the Application and would submit that attempt of Applicant was to infact cause a fatal blow to the First Informant – Complainant but because of his intervention and timely presence of

mind he was saved and it resulted in one grievous injury leading to amputation of fingers and two simple injuries. He would therefore persuade the Court to consider the gravity of crime and pass appropriate direction in so far as completion of trial is concerned.

**7.** I have Ms. Kamble, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent and with their able assistance perused the record of the case. Submissions made by them have received due consideration of this Court.

**8.** It is *prima facie* seen that all parties are known relatives to each other rather closely related. Applicant is arrested on 17.11.2020 and is in prison since then pending trial. Charge has not been framed. Thus commencement and completion of trial is uncertain in the near foreseeable future. The only question that requires an answer in the above facts is whether the assault leading to grievous hurt caused to Complainant by Applicant was pre-mediated and planned with preparation or otherwise for consideration of the Applicant's case for bail.

**9.** From the facts of the present case, it is seen that intervention of First Informant – Complainant in the quarrel between Applicant and his wife of 7 years was not taken kindly by Applicant and the incident in question though unfortunate was a result of the same.

**10.** Though it is argued by prosecution about brutality of the

offence since First Informant lost his two fingers namely little finger and ring finger in the assault, however considering the overall circumstances in which the alleged incident took place as also the precursor incident leading to intervention of First Informant – Complainant in the quarrel between Applicant and his wife, I am of the opinion that Applicant did not have the intention to commit the crime but it was a result of the alleged intervention.

**11.** One of the other reason which persuades the Court to consider his release is also his long incarceration pending trial for 4 years, 5 months and 19 days and charge not having been framed till date.

**12.** In view of my above *prima facie* observations, Bail Application stands allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and
- (viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

**13.** It is clarified that the observations made in this order are

limited for the purpose of granting Bail only. They shall not be construed as observations on merit. The trial shall be adjudicated on the strength of evidence led by parties and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

**14.** Bail Application No.1863 of 2025 is allowed and disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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