

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1681 OF 2018

Deepak Bhila Patil	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. Rajiv Patil, Senior Advocate with Ajinkya Jaibhave for applicant
Mr. Vinod Chate, APP for State
Mr. Ravindra Karhe, P.S.I. Satpur Police Station, Nashik City

CORAM : SMT. SADHANA JADHAV, J.

DATE : 31st July 2018.

P.C.

1] Heard. This is an application under section 439 of Cr.P.C.

2] The applicant herein is arrested on 25th May 2018 in C.R.No.160 of 2018 registered with Satpur police station for offences punishable under section 307, 506, 323, 143 and 147, 148, 149, 114 of IPC and under section 135 of Bombay Police Act.

3] It is the case of the prosecution that on 25th May 2018,

one Pravin Methkar approached to Sainath Multispeciality Hospital with history of assault. Since it appeared to be a medico-legal case his statement was recorded by the police. He had disclosed to the police that he is employee of Searce Dyes and Moulds Pvt. Ltd.. It is alleged that on 23rd May 2018 at about 7.30 p.m. when he was passing through Carbon Naka the present applicant had waived at him. He presumed that the applicant was asking for a lift and, therefore, he allowed the applicant to accompany him. When they travelled to a distance, the applicant is alleged to have threatened the complainant to join the CITU trade union of their company. He was threatened with dire consequences. He was assaulted with fists and kick blows and some unidentified person who was in the company of applicant, had also assaulted the complainant with iron rod and some others attempted to throttle him. On the basis of the said report, crime No.160 of 2018 was registered.

4] Perused the papers of investigation, more particularly the injury certificate issued by Sainath Multi-speciality hospital. The complainant had complained of abdominal pain. He was sent for X-ray. He had sustained simple injury.

5] Learned Senior Counsel, Mr. Patil, submits that there appears to be rivalry between two unions and that the applicant has been falsely implicated. The nature of injuries do not make out a case for offences under section 307 of IPC. Hence, the applicant deserves to be enlarged on bail. The observations are restricted to an application under section 438 of Cr.P.C. and shall not taken into consideration for the purpose of quashing of F.I.R., Discharge application or at the time of trial.

6] Hence, following order:-

- (a) The application is allowed;
- (b) The applicant is released on bail in the sum of Rs.20,000/- with one or more sureties in the like amount;\
- (c) The applicant shall report to the concerned police station on 4th and 5th of August 2018 between 10.30 a.m. and 1.00 p.m.