



ORDER BELOW EXH.7
(STATE OF MAHRASHTRA V/S. YOGESH AND OTHERS-8)

The applicant/accused Vipul Vaibhav Patil has moved this court under Section 439 of Criminal Procedure Code, 1973. The applicant has been chargesheeted of the offence punishable under Section 307, 364, 143, 147, 148, 149, 323, 504 of Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act, and offence punishable under Section 25 of the Arms Act.

2. It is alleged that on 17/01/2021 the complainant and his friend Arjun Shinde had gone to Hindustan Biryani House for dinner at 07:00 p.m.. They came out of the hotel at about 08:00 p.m. after having dinner. The friend of complainant Amrut Deshmukh call him to eat betel nut at Adarsh Pan Stall and they went there. While they were eating betel nut, the dispute arose between Amrut and Vipul Patil then it was told that he would call his Bhaiya and ran away towards Anusaya Idali Gruha and came with applicant no.1 and other three persons on motorbike. Accused Shakti and Akash Sagat pulled out Katti and gave a stab blow by accused Shakti on his neck by Katti and ran away. Accused Shakti threw Katti and hit on leg. The injuries have been caused to victim. Thereafter the applicant and three other accused came there, assaulted him with kicks and fists blow. They forcibly lifted the injured in front of Samrat Bar. Accused Akashay was riding the motorcycle and

Shakti sat on the back sit. Accused Shakti assaulted him on his back. They took injured to More Tailor Chowk. Applicant and another accused persons surrounded him and beat him. Accused Shakti assaulted him and caused bleeding injury. Somebody made phone call to accused Shakti then they ran away. Injured with the help of Sandip Shivaji was admitted in the hospital. A complaint came to be registered.

3. It is alleged that applicant is falsely implicated in this case. The co-accused Sagar Kamble and Ashish Balu Shirsat have already enlarged on bail by Honourable High Court. The role of present applicant has been described. It is further contended that the present applicant is having same role as that of the accused Akshay who has been released on bail. So the parity has been claimed.

4. It is further contended that applicant is labour. He had no motive to commit the offence. The investigation is completed. The chargesheet is filed. Hence, the application.

5. The application is strongly opposed by the State by filing say. It is submitted that the present applicant is the main accused who assaulted the victim/injured by Katti causing grievous injuries to injured. So far as role of Shakti and Akshay is concerned both are having independent role played by them. The weapon has been recovered at the instance of accused. Offence is very serious. If the accused is released on bail, there is possibility of tampering with prosecution witnesses. Hence, rejection is prayed for.

6. Heard learned counsel for applicant and A.P.P. It seems from the F.I.R. that no weapon has been used by this present applicant. It further seems that there is no specific role attributed to the present

applicant. Nothing has been recovered from this applicant. There is delay in filing F.I.R.. The chargesheet is already submitted after completion of the investigation. Perused the medical certificate. On perusal of the medical certificate, it seems that the injuries are simple in nature. So considering all these circumstances and absence of any specific role of this applicant towards commission of crime, I am of the view that it is just and proper to release the applicant on bail with following conditions. Hence, I pass the following order.

ORDER

1. Applicant(Accused no.9) Vipul Vaibhav Patil be released on executing his personal bond of Rs.20,000/- with one surety in like amount.
2. He shall not tamper with the prosecution witnesses and shall not enter into the area where the injured resides, until trial is over.
3. He shall submit the proof of his permanent residence.
4. He shall make himself available during the trial. In case he remains absent on three successive dates during trial, his bail shall automatically stand cancelled.

sd/-.

Date:-21/05/2021.
Latur.

(Mangala J. Dhote)
Sessions Judge, Latur.