

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE – CRIMINAL  
BAIL APPLICATION NO.374 OF 2015

1. Sonu Shivji Shah  
2. Ranjit Shivaji Sahani  
3. Jitendra Baijnath Shah  
4. Deepak Dojbahadur Singh  
5. Vakil Kanaiya Yadav                      .... Applicants  
    Vs.  
The State of Maharashtra                      .... Respondent

Mr. Naveen Chomal i/b Mr. Jayesh Wani  
for the Applicants.

Ms S.S. Kaushik, APP, for the Respondent-  
State.

Mr. Sunil Langhi, PSI, Waliv Police  
Station, District Palghar, present.

**CORAM:** REVATI MOHITE DERE, J.

**DATED:** MARCH 30, 2015

**P.C:**

1.            Heard the learned counsel for the  
applicants and the learned APP for the  
respondent-State.

2.            By this application, the applicants

seek their enlargement on bail in connection with C.R. No.323 of 2014, registered with the Waliv Police Station, Vasai, District Palghar for the alleged offences punishable under Section 326(A), 286, 147, 148, 149, 323 and 506 of the IPC.

3. The incident in question has taken place on 25-7-2014, at about 8:30 p.m. to 9:00 p.m.. According to complainant Laxman Pardhi, on 25-7-2014, he was proceeding towards his residence along with one Dilip Chavan. He has alleged that when they had reached opposite Verma Wires Company, one Rambhau came walking from behind, went ahead of them and looked back. It is alleged in the complaint, that Dilip Chavan asked Rambhau, why he looked behind, pursuant to which Rambhau is alleged to have got enraged and slapped Dilip on his face. Thereafter, fist blows were exchanged between

Rambhau and Dilip Chavan. It is further alleged by the complainant, that Rambhau ran into the company and called the workers of the company, including the watchman. Dilip Chavan is also stated to have informed the people from his own area, on phone about the assault, and also called them. According to the complainant, pursuant to the call given by Dilip Chavan, Vijay Kanhere, Pradip Bhoir, Navsha Kanhere and Janu Mangal came to the spot, armed with wooden logs, axe and iron rods. Thereafter, there was a free fight and assault between the parties. The complainant himself has stated that they assaulted the other side with axe, iron rods and wooden logs and that the other side also assaulted the complainant's side with wooden logs and with fist and kick blows. It is further alleged that during the fight, one person came out from the company carrying acid in a bottle and threw it on the complainant

Laxman and on Dilip, as a result of which they sustained burn injuries. Pursuant to the incident, the aforesaid C.R. No.323 of 2014 came to be registered at the instance of Laxman Pardhi.

4. The learned counsel for the applicants contended that with respect to the same incident, Rambhau had also lodged a complaint being C.R. No.322 of 2014, with the same police station, alleging offences punishable under Section 302, etc., as against the complainant i.e. Laxman Pardhi, Dilip Chavan and others. He submitted that in the said incident one Girija Shankar, who was the watchman of the company, was brutally assaulted by the complainant, Laxman Pardhi and Dilip Chavan. He submitted that the incident in question, as is evident, had occurred on the spur of the moment and that the injury certificates will reveal the nature

of burn injuries sustained. He submitted that the burn injuries were small and did not result in disfigurement of Laxman Pardhi or Dilip Chavan. He submitted that in fact, the injury certificate of Dilip Chavan does not show him having suffered any acid injury on his person.

5. The learned APP has opposed the bail application. She does not dispute the fact, that there are cross-complaints filed by the parties with respect to the same incident and that one Girija Shankar, who belonged to the other side, died in the said incident. Admittedly, there is no recovery of any weapon or other articles at the instance of the applicants. There also no antecedents qua the applicants.

6. Perused the charge-sheet. It appears that the incident has occurred at the spur of

the moment, due to a sudden quarrel that had taken place between Rambhau and Dilip Chavan. In the said incident, one Girija Shankar, watchman of the company sustained grievous injuries and succumbed to the same. Admittedly, even the complainant's side had called people from their area, who came on the spot, armed with weapons to assault the present applicants and others. Prima facie, it appears, that the incident took place, at the spur of the moment. There is no recovery at the instance of the applicants and also no antecedents as against any of the applicants. Investigation is complete and the charge-sheet has been filed. Accordingly, the applicants are entitled to be enlarged on bail on the following terms and conditions:

**ORDER**

(i) The applicants be released on bail on their furnishing P.R. Bond in the sum of

Rs.15,000/- each with one or two local sureties in the like amount.

(ii) The applicants shall attend Waliv Police Station, Vasai, District Palghar on every first and third Saturdays between 10:00 a.m. to 11:00 a.m., till the disposal of their case in the trial Court.

(iii) They shall not tamper or attempt to influence/contact the complainant or any person concerned with the case.

(iv) The applicants shall furnish their addresses as well as their contact numbers, both to the concerned police station as well as to the Court seized with their case and if there is any change in the addresses or the contact numbers, the same shall also be immediately communicated to the PI of the

concerned police station as well as the Court seized with their case.

(v) If the applicants intend to travel out of Mumbai, Thane and Palghar Districts, they will seek the permission of the trial Court.

(vi) Upon failure to abide by any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of the applicants' bail.

7. The application is allowed in the aforesaid terms and accordingly stands disposed of.

8. The learned trial Judge to conduct the case on its own merits, uninfluenced by the observations made in the present order, which are prima facie in nature.

9. Parties to act upon the authenticated  
copy of this order.

(REVATI MOHITE DERE, J.)