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

CRIMINAL BAIL APPLICATION NO. 758 OF 2015

Rambaran S. Yadav	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms. Tripti R. Shetty, for the Applicant

Ms. P.P. Shinde, A.P.P for the Respondent-State

API – D.R. Salunke, Palghar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th OCTOBER, 2015

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.I-22 of 2015, registered with the Palghar Police Station, for the alleged offences punishable under Sections 307, 324, 323 of the Indian Penal Code.

3. Learned Counsel for the Applicant states that with respect to the same incident, the applicant had also lodged a cross complaint which was registered vide C.R.No.I-23 of 2015, as against the complainant in the aforesaid C.R. and others. She submitted that the complainant – Roopsingh Damor in the aforesaid C.R. and Rakesh Parmar and his wife – Bhavana Parmar, had assaulted the applicant with an iron rod on his head, hands, legs, and chest. She submitted that the incident started with the complainant in the aforesaid C.R. and others assaulting the applicant, pursuant to which, the applicant allegedly pulled out a paper cutter from his pant pocket and assaulted Rakesh and others. She relied on the statement of one Surendra Sahani, in support of her submission. She submitted that there is a cross case lodged by the applicant as against the complainant – Roopsingh and others and the said C.R. is registered for the offences punishable under Sections 324, 504 r/w 34 of the Indian Penal Code.

4. Learned APP states that the applicant is from Uttar Pradesh and that it would be difficult to secure the presence of the applicant at the trial. The said apprehension can be taken care of by imposing stringent conditions to secure the applicant's presence during trial. Learned APP on

being asked, states that the present applicant has no antecedents.

5. A perusal of the injury certificate of Rakesh Parmar shows that he has suffered grievous injury on the right side of his neck and the injuries sustained by the others are simple in nature. Perused the charge-sheet, in particular the statement of the complainant - Roopsingh Damor, Rakesh Parmar, Bhavana Parmar, Surendra Sahani, Upendrakumar Rajbhar and Sitaram Balraj. A perusal of the statement of Surendra, who is an independent witness shows that the applicant was assaulted by Roopsingh, Rakesh and their wives. He has alleged that when he went to the spot, he saw all of them assaulting the applicant, pursuant to which the applicant pulled out a paper cutter from his pocket and assaulted Rakesh and others.

6. Considering the nature of allegations ; that cross case filed by the parties ; the nature of injuries sustained on both sides and the fact that the investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the

sum of Rs. 20,000/- with one or two local sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first and third Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall not leave Mumbai/Thane/Palghar, District, without the prior permission of the trial Court ;

(v) The applicant shall co-operate in the conduct of the trial ;

(vi) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail .

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.
