

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1161 OF 2015

1. Ramsamuj @ Tantan Ramgati KewatApplicants
2. Ramkaran @ Kareli Bhola Kewat

V/s.

The State of MaharashtraRespondent

Mr. Viral K. Rathod for Applicant
Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 30th JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant no. 1 herein is arrested on 16/10/2014 and applicant no. 2 is arrested on 24/11/2014 in crime no. 313 of 2014 registered at Kandivali Police Station for offence punishable under section 307, 394, 397 r/w 34 of Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of prosecution that on 16/10/2014, Omnprakash Yadav lodged a report at the police station alleging therein that on 15/10/2014, when he was returning home and was passing from front of Satyam medical store,

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applicant no. 1 was standing on the road along with his brother Laxman and his cousin Ramkaran Kewat and his friend Raka. They accosted complainant and asked him as to why complainant has not paid Rs. 15,000/- to Laxman. That Laxman was entitled to Rs. 15,000/- from the complainant as he was working for the complainant. There was an altercation with the complainant. On the spur of the moment, accused persons are alleged to have assaulted the complainant with an iron pipes.

3) Perused papers of investigation. That the complainant had sustained abrasion on his left fore arm, blunt trauma on the right side of the chest and blunt trauma on the left calf blunt. Nature of injuries is simple. Kanhaiyalal Yadav who was accompanying the complainant at that time was also assaulted and he has sustained injury to his head. He was diagnosed to have compressed fracture on right frontal region. He has undergone Bifrontal Craniotomy on 16/10/2014.

4) Applicants have been in jail for more than 8 months. Taking into consideration the fact that incident had occurred in the course of altercation, applicants deserve bail. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for

quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- each with one or two local solvent sureties in the like amount.
- (iii) Applicants be enlarged on cash bail of Rs. 25,000/- each for a period of 4 weeks, during which they shall furnish local solvent sureties in the like amount.
- (iv) Applicants shall report to concerned police station on every alternate Sunday between 10.00 a.m. to 01.00 p.m. till the conclusion of trial and applicants shall not leave Mumbai and Thane till the conclusion of trial.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)