

Anand

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

BAIL APPLICATION NO.1597 OF 2015

Dinesh Babu Naidu .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.A.M.Savagave i/b. Mr.S.D.Katke, Advocate, for
the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

WITH

BAIL APPLICATION NO.1616 OF 2015

Murugan Veerumal Devendra .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Pawan Mali i/b. Mr.R.V.Watulkar, Advocate,
for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R.No.701 of 2014 registered with the Wadala T.T.Police Station, Mumbai, for the alleged offences punishable under Sections 307, 324 r/w.34 of the Indian Penal Code.

3. According to the complainant - Palani Kandaswami Devendra, the incident took place on 22.10.2014 at about 11.30 p.m. He has stated that he had gone for a movie in the afternoon at Sion Circle and after that, had gone out for dinner and had consumed some alcohol. At about 8.30 p.m., the complainant returned home and after some time, went to his mother-in-law's house to bring his wife and children home. Thereafter, at 11.00 p.m. he went to purchase fire crackers for his children. According to the complainant, he heard some noise in a lane and hence, went to see what was happening. He has

alleged that he saw Dinesh (Applicant in B.A.No.1597 of 2015) approaching him. He has alleged that Dinesh started abusing and assaulting him with fist blows; thereafter, Dinesh is alleged to have assaulted him with a knife on his left hand; and Murugan (Applicant in B.A.No.1616 of 2015) is also alleged to have assaulted with a knife on his hand. Thereafter, Murugan's nephew Sagar is also alleged to have assaulted with a knife on his nose.

4. Learned counsel for the applicants submit that the applicants are entitled to be granted bail on the ground of parity, inasmuch as, co-accused Sagar has been enlarged on bail by this Court (CORAM:SMT. SADHANA S. JADHAV, J.) vide order dated 24.06.2015 passed in B.A.No.1026 of 2015.

5. Perused the charge-sheet including the statement of the complainant and another injured witness as well as the Injury Certificates. It appears that the complainant and another witness have received simple injuries. None of the applicants have any antecedents. The applicants have been in custody since their arrest from October, 2014. Investigation is complete and charge-sheet is filed. Co-accused Sagar, who is also alleged to have assaulted the complainant with a knife has been enlarged on bail by this Court.

6. Considering the nature of allegations, the injuries sustained and the fact that there are no antecedents, the applicants are enlarged on bail on the following terms & conditions:

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each

with one or two sureties in the like amount;

(ii) The applicants shall attend the Wadala T.T.Police Station, Mumbai on the first Sunday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;

(iii) The applicants shall not reside in the jurisdiction of Wadala T.T.Police Station till the conclusion of the trial;

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

(v) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicants to cooperate with the conduct of the trial;

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

7. The Applications are 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.

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.