

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

CRIMINAL APPLICATION NO. 1678 OF 2015

Shri Sharnam Shanmugan Kaundar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

WITH

CRIMINAL APPLICATION NO. 1729 OF 2015

Shri Avinash Kalyan Sasane ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

WITH

CRIMINAL APPLICATION NO. 1668 OF 2015

Shri Prashant Brahmdev Helkar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Sachin B. Thorat, Advocate for the Applicants in all the applications.

Mr. S.H. Yadav, A.P.P. for the Respondent – State.

PSI-Hanumant A.Waghmode,D.N.Nagar Police Station,Andheri (W), Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.
DATE : 16th SEPTEMBER, 2015

P.C. :

1 Heard learned counsel for the applicants in all the three bail applications and learned APP for the State.

2 By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 456 of 2015 registered with the D.N. Nagar Police Station, Mumbai for the alleged offences punishable under Sections 364(A), 365, 387, 506 read with section 34 of the Indian Penal Code.

3 The complainant is one Bacchram Vishwakarma. It appears that there is a dispute between the said complainant and one Rajesh Shinde and that some incident had taken place between them about one and half year prior. It is alleged by the complainant that in January, 2015, Rajesh Shinde and others had demanded a sum of Rs. 3 lakhs from the complainant and hence there was a dispute between them. Thereafter, there was another incident that took place on 4th February, 2015, when Rajesh Shinde, Deepak Kamble and Sanjay Tadas demanded money from the complainant and hence, a complaint was lodged by the complainant with the D.N. Nagar Police Station, Mumbai. Again on 5th February, 2015 it is alleged that Rajesh Shinde along with others came to

the office of the complainant, abused and assaulted him with fists and blows, pursuant to which a complaint was lodged, which was registered vide N.C. No. 408 of 2015 as against Rajesh Shinde and others, alleging offences under Sections 323, 504, 506 r/w. Section 34 of the IPC. According to the complainant again on 2nd July, 2015, Rajesh Shinde came on a motorcycle alongwith two unknown persons, abused him and threatened him with dire consequences, pursuant to which an N.C. Complaint no. 2019 of 2015 was registered as against the said persons. According to the complainant on 17th July, 2015 when he was standing at the construction site, in front of Y.M.C.A, Near Ganesh Chowk, D.N.Nagar, Andheri (W) at Link road, Rajesh Shinde, Prashant Helkar (Applicant in BA No.1668/2015) and Sharnam Kaundar (Applicant in BA No. 1678/2015) got down from a white Scorpio and came towards him. He has alleged that Rajesh Shinde held his collar; Sharnam Kaundar held his right hand and Prashant Helkar held his left hand and forcibly pulled him and made him sit in the Scorpio. He has alleged that Avinash Sasane (Applicant in BA No. 1729/2015) was driving the car. According to the complainant, Rajesh Shinde assaulted him with his hand and Prashant Helkar assaulted him with the wooden stick. According to the complainant, the vehicle was stopped near the Municipal School, where Rajesh assaulted him again with first blows, asking him to withdraw the complaint, which was lodged by him on 02.07.2015 as against Rajesh and two

unknown persons. He has alleged that Sharnam abused him and one Raka had held him, when Rajesh was assaulting him and that Prashant was asking him to say that he was withdrawing his complaint and started recording it on his mobile. It was then decided between Rajesh Shinde and the complainant that they would go and meet Shiv Sena leader Sanjay Pawar. Pursuant thereto, they went to the office of Sanjay Pawar, who is alleged to have called the Beat Marshal and informed them about the said incident.

4 Learned Counsel for the applicants states that no such incident, as alleged, took place on 17th July, 2015 and that the present complaint, as lodged by the complainant, is a false complaint. He submits that the distance between Y.M.C.A. to the Municipal Office is about 15 meters and from the Municipal Office to the office of Sanjay Pawar is about 100 meters. Learned APP has produced the injury certificate of the complainant. The said injury certificate does not reflect any injury on the complainant.

5 It appears that the dispute is essentially between Rajesh Shinde and the complainant. The applicants were not concerned with the said dispute. Avinash was allegedly driving the car and Sharnam is alleged to have abused the complainant and Prashant allegedly asked the complainant to say that he

was withdrawing his complaint and recorded it on his mobile.
The applicants have no antecedents.

6 Considering the nature of allegations and the role of the applicants, the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants in all the three applications be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall attend the concerned police station on every Saturday from 10 am. To 11 a.m. till filing of the chargesheet.

(iii) The applicants shall not tamper or attempt to influence the complainant or witnesses or any other person concerned with the case.

(iv) The applicants to co-operate with the conduct of the trial.

(v) The applicants shall inform their latest place of residence and mobile contact numbers 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 applicants bail.

7 All these three Bail 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.)

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CERTIFICATE

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