

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
BAIL APPLICATION NO.2240 OF 2015

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| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. V.S. Bali with Saima Ansari for the Applicant.  
Ms.Rutuja Ambekar, APP. for the State.

**CORAM : A.S.GADKARI, J.**  
**DATE : 11<sup>th</sup> December, 2015**

P.C.

The applicants are seeking bail in CR No.41/2015 registered with Deonar Police Station, Govandi, Mumbai under section-302 read with 34 of the I.P.C. The FIR has been lodged by Akbar Khan on 14.2.2015 thereby stating that co-accused namely Shahaji Galande had altercations with deceased Imran and the said altercation resulted into scuffle. In the said scuffle Shahaji lifted Imran and dashed him on the floor. Thereafter, Shahaji sat on the stomach of the Imran and gave fist blows on his face and chest. People gathered there, rescued the said fight. Due to the beating by Shahaji, Imran got unconscious. In

the mean time, police arrived at the spot and took Imran to Rajawadi Hospital, Mumbai. The Doctors at Rajawadi Hospital declared him dead on 14.2.2015 before admission in the hospital. After registration of the first information report police investigated the crime and filed charge sheet. Learned counsel for the applicant submitted that in the statements of the eye witnesses namely Mohd. Mastan Shaikh and Avinash Patil the names of the present applicants have not been mentioned. In the said statements the role attributed to them is silent. He further submitted that in the supplementary statements of the witness Mohd. Mastan Shaikh recorded after the gap of 1 month and 22 days and the role of the applicants have been mentioned as, that they dashed the deceased Imran, has been attributed to them. He also pointed that the statement of the third witness namely Avinash Patil has been recorded after the gap of about one month though he was very much available to the police till the other legal formalities are completed by the police after the commission of the offence. I find substance in the submissions of the learned counsel for the applicant.

The charge sheet discloses that the supplementary statement of the witness Mohd. Mastan Shaikh has been recorded after the gap

of 1- month and 22 days wherein for the first time the names and the role attributed by the applicants have been disclosed. Likewise the statement of Avinash Patil is recorded on 13.3.2015 i.e. after about one month from the date of the incident. The applicants have therefore, made out a case for releasing them on bail. Hence, I pass the following order.

#### ORDER

- a) The applicant shall be released on bail in CR No.41/2015 registered with Deonar Police Station, Mumbai on their furnishing PR bond of Rs.20,000/- each with one or two solvent sureties in the like amount.
- b) After they are released from jail the applicants shall attend the Deonar Police Station once in fortnight on every Monday between 10 a.m. to 12.00 noon.
- c) The applicants shall furnish the documents of their residential proof with the Deonar Police Station and the Trial Court.
- d) The applicants shall not tamper the prosecution evidence and/or influence the prosecution witness.
- e) Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**