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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1337 OF 2015

Akshay @ Bango Ankush Chavan .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. Santosh H.Chari, Advocate for the Applicant.
Smt. P. P. Shinde, APP for State.

CORAM : A.S.GADKARI, J.
DATED : 27th JANUARY, 2016

P.C.

. The applicant is seeking bail in C.R. No. 397 of 2014 dated 12/10/2014 registered with V. P. Road police station, Mumbai under Sections 302, 504 read with 34 of the Indian Penal Code.

The first information report is lodged by one Shri Vikey Singh on 12/10/2014. In the said report, first informant has stated that on 11/10/2014 at about 9.00 p. m., he along with Shri Reddy (deceased) were sitting on the footpath near Ashok Book Centre. At that time, 4 unknown persons were beating one person. That the said Shri Reddy intervened in the said fight and abused the said 4 persons and separated the fight. Thereafter, the complainant and the said Shri Reddy slept on the footpath. At about 1.00 a.m. on 12/10/2014, the complainant heard shouts of Shri Reddy. At that time he saw that the said 4 unknown persons were beating Shri

Reddy by fist and kick blows. One of the persons gave blows with elbow of his hand. Due to the said beating, Shri Reddy got unconscious. The said persons thereafter stopped beating and went away by walk. While going, one of the persons slapped the complainant. The said Shri Reddy was subsequently admitted to the hospital. In the premise the first informant lodged the report.

2. The said Shri Reddy succumbed to his injuries on 18/10/2014 in hospital. There were severe injuries to his head, chest and neck.

3. Heard the learned Counsel for the applicant, learned APP and also perused the copy of the charge-sheet annexed to the present application. It is to be noted here that the complaint is lodged against unknown persons about assault on the said Shri Reddy (deceased). The prosecution has recorded the statements of 2 other eye-witnesses namely Shri Rambharose Chotelal Razak and Shri Amit Ramesh Shah alias Vicky. The said 2 witnesses have corroborated the version of the complainant and have stated about the assault on the deceased Shri Reddy by 4 unknown persons. It appears from the record that at the time of test identification parade conducted on 15/12/2014, the eye-witness namely Shri Amit Ramesh Shah alias Vicky has identified the present applicant. It is to be noted here that while recording the test identification parade, the Executive Magistrate has only stated that the witness has correctly

identified the real accused. That it is to be further noted that in the said identification parade panchanma, nothing else has been mentioned either about the role attributed to the applicant or how the said witness identified the applicant amongst the dummy persons. Apart from aforesaid circumstance, it appears that there is no other evidence available on record against the applicant. In view of the same, the applicant has made out a case for his release on bail. Hence, the following order.

- i) The applicant shall be released on bail in C.R. 397 of 2014 registered with V. P. Road, police station, Mumbai on his furnishing PR. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from the jail, the applicant shall attend V. P. Road police station on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon till the completion of trial.
- iii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

4. The Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)