

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2174 OF 2016

Mr. Johnny Selvin Nadar

.... Applicant/Accused

Versus

State of Maharashtra
through Bhandup Police Station.

.... Respondent

Mr. Jacob Manoharan for Applicant/Accused.

Ms. J.S.Lohokare, APP for State.

Mr. Sachin Jagtap, PSI, Bhandup Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: 13TH JANUARY, 2017.

P.C.

. Heard. This is an application under Section 439 of the Code of Criminal Procedure. The applicant herein is arrested on 1st December 2015 in Crime No. 126 of 2015 registered with Bhandup Police Station, Mumbai dated 28th February, 2015. The investigation is completed and charge sheet is filed against the applicant for the offences punishable under Sections 143, 144, 146, 147, 148, 149, 302, 307, 324 read with Section 34 of Indian Penal Code.

2. It is the case of the prosecution that on 27th February, 2015, Naresh Shetty was chitchatting with his girlfriend in front of

the house of Sachin Sorte (Deceased). Sachin was objected to the same, which gave rise to a quarrel between Naresh Shetty and Sachin Sorte. It is alleged by the prosecution that on the same day, Naresh Shetty had been to the house of Sachin Sorte and had assaulted him with a stick, fist and kick blows. The neighbours residing in the locality had gathered to pacify the altercation. Sachin had sustained injuries. He was shifted to the hospital. He succumbed to the injury on 1st March, 2015. The post-mortem notes would indicate that the deceased had sustained as many as 11 abrasions. Some of the injuries were in the process of healing. Due to the impact of fist and kick blows, the deceased had sustained laceration of liver and the cause of death was hemorrhage and shock due to blunt trauma abdomen.

3. By virtue of doctrine of 'parity', the applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under Section 439 of the Code of Criminal Procedure, 1973 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) Applicant be enlarged on bail on furnishing P.R.bond in the sum of Rs. 25,000/- with one or more local solvent sureties in the like amount.

- (iii) The applicant shall report to the Bhandup Police Station on first and third Monday of every month between 11.00 a.m. to 1.00 p.m.
- (iv) The accused Yogesh Thakur shall not claim parity with the present applicant.

4. The application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)