

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 563 OF 2018**

1. Dilip Lalbahadur Vishwakarma,	
2. Amar Lalbahadur Vishwakarma	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Shashikant Sansane for the Applicants

Ms. A. A. Takalkar, A.P.P for the Respondent-State

PI Mr. Dilip R. Utekar from MIDC Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 412 of 2017 registered with the MIDC Police Station, Mumbai, for the alleged offences punishable under Sections 307, 506 r/w 34 of the Indian Penal Code.

3. Perused the charge-sheet. The incident took place on 30th September, 2017 at about 8:30 the evening. According to the complainant,

four persons came and assaulted him. Out of the said four persons, one person is alleged to have assaulted the complainant on his head with an iron rod. It appears that the complainant has sustained one injury on his head.

4. Learned A.P.P, on instructions, states that the only allegation *qua* the applicants, who have been identified in the ID Parade, is that they assaulted the complainant with fist blows. She submits that the applicants are not amongst the accused, who had assaulted the complainant with an iron rod, on his head.

5. The applicants have been in custody since 6th October, 2017. Investigation is complete and charge-sheet is filed. The applicants have no antecedents.

6. Considering the role of the applicants and the fact that the investigation is complete and charge-sheet is filed, the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each, with one or two sureties in the like amount;

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

(iv) The applicants shall inform their latest places of residence and mobile contact numbers 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;

(v) The applicants to cooperate with the conduct of the trial.

7. The application is 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.