

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 731 OF 2018**

1. Manoj alias Pintu Chandu Dhodi,	
2. Sudip alias Lala Umashankar Divedi,	
3. Raj alias Taklu Viju Dhodi,	
4. Shrinath alias Limbu Selvanath,	
5. Rahul Satyaprakash Bhalse (Tiwari)	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. S V. Marwadi I/b Ms. Trupti M. Khamkar for the Applicants

Ms. J. S. Lohokare, A.P.P for the Respondent-State

PSI Mr. Najeeb Inamdar from Boisar Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 10th 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. I-51 of 2018 registered with the Boisar Police Station, Palghar, for the alleged offences punishable under Sections 326, 323, 504, 506, 143, 147, 148, 149, 427 of the Indian Penal Code r/w Section 37(1)(3), 135 of Bombay Police Act.

3. Perused the papers. The alleged incident has taken place on 2nd March, 2018 at 4:00 p.m, when the holi procession was on and people were dancing to music, on the main road. It is alleged by the prosecution, that the complainant-Umesh Dhodi stopped the procession and asked them, not to make any noise. It is alleged that pursuant thereto, the applicant and others assaulted the complainant-Umesh, his mother-Paru, Jitu, Prafulla and others with fists and kick blow, stick and empty beer bottles. The aforesaid complaint/FIR was lodged on the next day i.e. on 3rd March, 2018 at about 10:40 p.m, alleging the aforesaid incident. With respect to the very same incident, the applicant's side has also lodged a compliant which was registered vide C.R. No.1-53 of 2018 with the Boisar Police Station alleging offence punishable under Sections 326, 324, 504, 506 r/w 34 of the Indian Penal Code. In the said incident, the applicant's side has also received injuries, although simple in nature. A perusal of the injury certificate in the present CR i.e. C. R. No. I-51 of 2018 shows that Umesh has sustained a grievous injury i.e. fracture of the hand. The injuries sustained by the other injured are simple in nature. No specific overt act has been attributed to any of the applicants.

4. The applicants are in custody since 4th March, 2018. It appears that investigation is almost over. Considering the aforesaid, the application is allowed and 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. 20,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station twice a week i.e on every Monday and Friday from 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet and thereafter, on the first Sunday of every month from 10:00 a.m. to 11:00 a.m. for a period of 12 months;
- (iii) The applicants shall not enter the jurisdiction of Boisar Police Station, Palghar, till the filing of the charge-sheet (except for the purpose of attendance);

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

(v) 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;

(vi) The applicants to cooperate with the conduct of the trial;

(vii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is accordingly disposed of.

6. 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.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.