

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 934 OF 2018
Tejas Gangadhar Dalvi vs. State of Maharashtra

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. Abdul Hafeez i/by Khan Wahab for the Applicant.
Mr. Rutuja Ambekar, APP. for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 24th July, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No. 527/2017 dated 22.10.2017 registered with Goregaon Police Station, Mumbai under Sections 302, 324, 323, 143, 147, 148, 149 of the Indian Penal Code and under Section 37(1) read with 135 of the Maharashtra Police Act.
2. Heard Mr. Hafeez, the learned counsel appearing for the applicant and the learned APP. Perused the charge sheet.
3. The prosecution case in brief is that, on 22.10.2017 the first informant had been to Royal Smoke Hukka Parlour at S.V.Road, Goregaon(W), Mumbai. There was another group present consisting of another 15 to 20 persons. At about 5.45 p.m. a scuffle took place between the two groups. The waiters

and observers drove away the said group from the said hotel. After coming out of the hotel the persons from the first group assaulted Mayur with knife and another witness namely Ninad Surve with Paver block. Then Mayur was taken to the hospital wherein he was declared dead. The present crime is registered by Shri. Rasik Akbar Shaikh. During the course of investigation, the applicant came to be arrested and after completion of investigation the police have submitted charge sheet.

4. There are in all 17 accused persons in the present crime and out of that, 13 accused persons either have been granted regular bail by the Sessions Court or anticipatory bail by this Court. The role attributed to the applicant is that, he was member of the said unlawful assembly and assaulted the injured witness Ninad with belt and paver block. The principal accused Vivek Shettiyar has been attributed with the role of assaulting the deceased Mayur with knife. The medical certificate issued by the Municipal Hospital in favour of Ninad Surve indicates that, he suffered injury on his chest and it is described as a blunt trauma and simple injury.

5. It is to be noted here that, the accused persons who have played lessor role than the principal accused Vivek Shettiyar are either granted bail by the Sessions Court or anticipatory bail by this Court. It is submitted that there are no antecedents at the discredit of the applicant. The applicant is in Jail since 25.10.2017 and police have already completed investigation. No fruitful purpose will be served by further keeping the applicant in jail.

6. In view thereof, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No. 527/2017 dated 22.10.2017 registered with Goregaon Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- c) The applicant shall not tamper with the evidence and or influence the prosecution

witnesses.

- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)