

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No. 1127 OF 2019

Mohd. Sahijad Mohd. Umar Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Mubin Solkar a/w Ms Z. Salati & Mr. A. Sopariwala i/b. Ms
Nikita Ajwani, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 146 of 2018 registered with the Byculla Police Station, Mumbai, for the alleged offences punishable under Sections 302, 324, 323, 143, 144, 147, 148, 149, 504 & 506 of the Indian Penal Code.

3. Perused the papers. The incident is stated to have

taken place on 01.07.2018 at about 5.00 p.m. According to the Complainant – Pratik Awadhut Padwal, he alongwith Bhavesh Kolhli (deceased), Rajesh Jadhav, Sumit Nagvekar and Bhavesh's uncle – Devji, were working for a Municipal Contractor, who was allotted a parking spot, under the 'Pay and Park Scheme' of the MCGM. According to the Complainant, he and his associates were given the responsibility of helping in parking of cars and issuance of parking receipts. It is alleged that four young boys from the vicinity used to drive two Yamaha Rx 100 motor cycles in a rash and negligent manner while passing from the said parking spot. The Complainant has alleged that when he was on duty, he asked the said boys not to ride their motor cycles in a dangerous manner. It is alleged that the said boys would laugh and taunt the Complainant and his four associates. It is further alleged by the Complainant that on 01.07.2018, when he was on duty with his associates at about 1.30 p. m., four boys came there on motor cycles, cut across the Complainant and sped away after blurting something to the Complainant. It is alleged that at about 5.00 p. m. when the boys again came on the said motor cycles, the Complainant and his associates asked them to stop there motor

cycles but they sped away and again took a 'U' turn and came towards the Complainant and his associates in a high speed and threatened and abused them. Thereafter, within 5-10 minutes, the said four boys are again stated to have come back with three of their associates. According to the Complainant, the said persons assaulted him and his associates with leather belt and fist and kick blows. One of the three accused is alleged to have assaulted Bhavesh Kohli with a knife on the right side of his chest, as a result of which Bhavesh collapsed. When the Complainant and his associates went near Bhavesh, the assailants threatened them with a knife and rushed towards them with a leather belt. Due to commotion, the accused fled from the spot. Bhavesh, who was lying in an unconscious condition was rushed to the hospital, where he expired during the course of treatment. During the course of investigation, the police arrested the accused including the Applicant.

4. Perused the papers. It appears from the charge-sheet, that the Applicant has not been identified by the Complainant or his associates. There is no recovery from the Applicant. The

Applicant is 19 years old. Investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on **cash bail** in the sum of Rs. 25,000/-, for a period of eight weeks;

(ii) The Applicant shall within the said period of eight weeks, furnish P. R. Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount;

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

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released 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 Applicant to cooperate with the conduct of the trial;

(vi) The Applicant to file an undertaking with regard to Clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)