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

CRIMINAL BAIL APPLICATION NO.1525 OF 2019

Fulkaran Mohan Paswan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.G.K.Gole, I/b Mr.Ritesh Ratnam, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-337 of 2017 registered with the Bhiwandi City Police Station, Thane, for the alleged offences punishable under Sections 302, 324, 452, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
3. Perused the papers. The complainant – Bablu Patel, is the

brother-in-law of Kamlesh Kumar (deceased). According to the prosecution, the incident took place on 19th October, 2017 at about 9.00 p.m, when the complainant and deceased were proceeding to have dinner at a hotel. It is alleged that one acquaintance of the deceased along with some friends, was standing in front of the said hotel. It is alleged that the said acquaintance stopped the deceased and started quarreling with him over money. It is alleged that an altercation took place between them. In the said altercation, it is alleged that co-accused – Ramsheela told the deceased that he should not mess with him or else he will be killed and asked the deceased to go to the factory. The complainant and the deceased being afraid of the threats did not proceed for dinner and instead returned to the factory. It is alleged that after some time co-accused – Ramsheela along with Kanhaiya, Radheshyam and others came to the factory and started shouting and hurling abuses, pursuant to which the deceased came outside and confronted Ramsheela. It is alleged that Kanhaiya and Radheshyam assaulted the deceased with fist and kick blows and Ramsheela assaulted the deceased on his head with a wooden stick, pursuant to which, the deceased fell on the ground. When the complainant went to rescue the deceased, Ramsheela assaulted the complainant with a wooden stick on his

head and shoulder. It is alleged that when co-workers from the factory came out, the accused fled from the spot. The deceased was admitted to the hospital, where he was declared to be dead. A perusal of the FIR/complaint shows that the applicant has not been named in the said FIR/complaint by the complainant – Bablu Patel. It appears that there is one eye-witness – Surajkumar Patel, who has stated that the present applicant assaulted the deceased with fist and kick blows. A perusal of the postmortem report shows that the cause of death is stated to be 'Death due to haemorrhage shock due to head injury by hard and blunt object'. The applicant has no antecedents. The applicant is in custody since November, 2017. Investigation is complete and charge-sheet is filed.

4. Having regard to the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first

Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) 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 trial Court as well as to the concerned Police Station, in writing;

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

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

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.