

Anand

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

BAIL APPLICATION NO. 1631 OF 2019

Paresh Manji Chawda .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO. 1634 OF 2019**

Mohit Motilal Dabi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Abhishek Yende, Advocate, for the Applicant **in ABA No. 1631 of 2019**

Mr. N. Imran Farooqui, Advocate, for the Applicant **in ABA No. 1634 of 2019**

Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State **in ABA No. 1631 of 2019**

Mr. S. V. Gavand, APP, for the Respondent – State **in ABA No. 1634 of 2019**

Mr. Shrikant Kirwale, PSI, Meghwadi Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants – Paresh Chawda &

Mohit Dabi seek their enlargement on bail in connection with C. R. No. 350 of 2018 registered with the Meghwadi Police Station, Mumbai, for the alleged offences punishable under Sections 307, 364, 141, 143, 144, 147, 148, 149, 120B r/w 34 of the Indian Penal Code.

3. Perused the papers, in particular, the statement of injured - Asif Alsaf Shaikh. According to the injured - Asif, there was some dispute between him, the Applicant – Paresh and one Ajay prior to the incident, pursuant to which the Applicant – Paresh and Ajay threatened him. The injured – Asif has further alleged that on 21.11.2018 at around 11.10 p. m., one person came and started abusing him. The said person is alleged to have stated that his friends i. e. the Applicants – Paresh & Mohit were going to teach him a lesson, as he was assaulted. Injured – Asif is alleged to have stated that he did not know him, pursuant to which the said person went in the direction of the Western Express Highway and returned back with a wooden log. The said person disclosed to the injured that his name was Ganesh (Original Accused No. 5) and started assaulting him with a wooden log on his hands, legs, head, chest and stomach. He has stated that when he resisted the blows, the Applicants alongwith other co-accused came and assaulted him with bamboo sticks. He has further stated that the persons who had

assembled at the spot, threatened the said witnesses. He has further stated that after the assault, all the accused including the Applicants forced him to sit in a car and took him towards Dharavi with the intention of killing him. He has further stated that the police came there, pursuant to which he was taken to the hospital. The Injury Certificate of the injured shows that he has sustained seven injuries, out of which six injuries are simple in nature. One injury on the occipital region is stated to be grievous. The Medical Certificate of the injured shows that he was found lying on the roadside at Dharavi on 22.11.2018 at 1.45 a. m. The Applicants, admittedly, have no antecedents. It also appears that the injured – Asif has about 18 cases registered as against him. Whether or not the Applicants have been falsely implicated in the said cases, is a matter which will be decided by the trial Court. The Applicants are in custody since November, 2018. Investigation is complete and charge-sheet is filed.

4. Considering the aforesaid, the Applications are allowed and the Applicants are granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) The Applicants be enlarged on bail, on executing P. R.

Bond in the sum of **Rs. 10,000/- each** with one or two sureties in the like amount;

(ii) The Applicants shall report to the investigating officer of the concerned police station **on the first Saturday of every month between 10.00 a. m. and 11.00 a. m.** for a period of 12 months from the date of their release;

(iii) The Applicants shall not tamper with 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 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 Applicants to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

5. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

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

(REVATI MOHITE DERE, J.)