

nsc.

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

CRIMINAL BAIL APPLICATION NO.2308 OF 2019

1. Ajay Manji Chawda	
2. Prakash Keshav Dahadia	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Abhishek Yende, for the Applicants.

Ms. Veera Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th SEPTEMBER, 2019

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. 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. Learned Counsel for the applicants seek bail on the ground of parity. He submitted that identically placed co-accused – Paresh and Mohit have been enlarged on bail by this Court vide order dated 5th August, 2019.

4. Perused the papers, in particular, the statement of injured - Asif Alsaf Shaikh. According to the injured - Asif, there was some dispute between him, Paresh and applicant - Ajay prior to the incident, pursuant to which Paresh and applicant - 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. Applicants 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 role of the applicants is identical to that of co-accused – Paresh and Mohit, who have been enlarged on bail by this Court vide order dated 5th August, 2019. The applicants are in custody since November, 2018. Investigation is complete and charge-sheet is filed.

5. 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 furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 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/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 as well as to the concerned Police Station, in writing;

v) The Applicants 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.

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

7. 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.

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

REVATI MOHITE DERE, J.