

shailaja

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

CRIMINAL BAIL APPLICATION NO.2324 OF 2019

1.	Ranjeetkumar Viren	]	
2.	Bal Murugan	]	
3.	Veeramani Babu	]	Applicants

Versus

The State of Maharashtra		]	Respondent
--------------------------	--	---	------------

.....

Mr. Samir A. Vaidya, for the Applicants.

Mr. S.S. Hulke, A.P.P for the Respondent - State.

PSI– Sonawane, Aarey Police Station, Mumbai.

.....

CORAM : REVATI MOHITE DERE, J.

DATE : 4th OCTOBER, 2019.

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the Applicant seeks their enlargement on bail in connection with C.R.No.129 of 2019 and 130 of 2019 registered

with the Aarey Police Station, Mumbai, for the alleged offences punishable under Sections 307, 324, 143, 144, 145, 147, 148, 149, 323, 504, 506 (2), 427 of the Indian Penal Code.

3. Perused the papers. The incident took place on 8th July, 2019 at Film City, Goregaon, Mumbai. With respect to the said incident, there is one cross complaint lodged by the applicants side as against the complainant-Shiva Shetty in the present C.R and others, also alleging offences punishable under Sections 307, 324, 143, 144, 145, 147, 148, 149, 323, 504, 506 (2), 427 of the Indian Penal Code. According to the complainant-Shiva Shetty, all the aforesaid applicants assaulted Harshad Ali. Applicant No.1 is alleged to have assaulted with fist blow and applicants No.2 and 3 are alleged to have assaulted with iron rods. Admittedly, the complainant-Shiva Shetty has not sustained any injury. Harshad Ali is alleged to have sustained fracture of his elbow and some other minor injuries. As far as fracture of the ribs is concerned, there is no medical certificate produced by the prosecution to substantiate the said.

4. Learned Counsel for the applicant submitted that the applicant No.1 was not present at the spot and was in the Police Station at the relevant time. Learned A.P.P states that the Police are investigating the

C.D.R records to verify the same. As far as applicant No.3 is concerned, he has also sustained a nasal fracture in the said incident. It appears that recently MCOC has been applied as against the complainant-Shiva Shetty and his group. The applicants are in custody since 8th July, 2019.

5. Considering the aforesaid, further detention of the applicants is not warranted. Accordingly, 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.15,000/- each with one or two local sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, initially on every Saturday from 10.00 a.m to 11.00 a.m till filing of the charge-sheet and thereafter, 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 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 trial Court as well as to the concerned Police Station, in writing;

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

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;

vi) 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 Applicants' bail.

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.]