

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2471 OF 2019**

Vivek Abhaykumar Sharma	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ram Mani Upadhyay for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 1st OCTOBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant, aged 21 years, seeks his enlargement on bail in connection with C.R. No. 74 of 2019 registered with the Kurar Police Station, Mumbai, for the alleged offences punishable under Sections 307, 143, 144, 147, 149, 427, 384, 385 of the Indian Penal Code; under Sections 4, 25 and 27 of the Indian Arms Act and under Sections 31(1)(2) r/w 135 of the Maharashtra Police Act.

3 Perused the papers. According to the complainant-Dheeraj Yadav, the incident took place on 15th February 2019 at about 6:30 p.m. He has stated that when he was near Vinay Tower, Lokhandwala Rickshaw

Stand, the applicant along with other co-accused came to the spot and that the said applicant and co-accused started shouting loudly and were throwing the articles of the shop keepers. It is alleged that the applicant was armed with a sword and other co-accused were armed with swords, glass bottles, stones, cement blocks and bamboos. He has stated that after seeing the applicant and other co-accused, the people of the locality started running helter-skelter and started pulling down shutters of their shops. The applicant is alleged to have assaulted Kritikesh Singh @ Raj Tiwari with a sword on his head and the other accused are alleged to have assaulted others.

4 A perusal of the injury certificate of Kritikesh Singh @ Raj Tiwari shows that he had sustained a CLW on his head which is stated to be caused by a blunt weapon. The nature of injury is stated as simple. The said injured- Kritikesh Singh @ Raj Tiwari, gave history of assault by 7-8 persons with glass bottles and hands.

5 Learned counsel for the applicant has tendered an affidavit of the applicant, aged 21 years. The same is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken not to commit any similar offence. He has also undertaken to maintain peace in

the area and concentrate on his studies. He has stated that he was preparing for his intermediate examination, when this alleged incident took place, pursuant to which, he could not fill up his examination form.

6 Learned A.P.P states that the applicant has two antecedents. The applicant is in custody since 16th February 2019. Investigation is complete and charge-sheet is filed.

7 Having regard to what is stated aforesaid and in particular, the affidavit filed by the applicant, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on every Saturday from 10:00 a.m. to 11:00 a.m, initially for a period of 18 months and thereafter, on the first Saturday of every month from 10:00 a.m to 11:00 a.m, till the conclusion of the trial;

- (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 not commit similar offence;
- (v) The applicant shall inform his latest place of residence and mobile contact number 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;
- (vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;
- (viii) 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.

8 The application is accordingly disposed of.

9 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.

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

REVATI MOHITE DERE, J.