

Anand

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

BAIL APPLICATION NO. 2921 OF 2019

1. Sunil Kalu Rane .Applicants
2. Omkar Jairam Shetty

Vs.

The State of Maharashtra .Respondent

Mr. Sudeep Pasbola a/w Mr. Karl Rustomkhan, Advocate, for the Applicants

Mr. P. H. Gaikwad-Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.10.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. I-306 of 2019 registered with the NRI Sagari Police Station, Navi Mumbai, for the alleged offences punishable under Sections 307, 326, 201, 143, 147 and 149 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that the Applicants are partners of Icon Bar. He submits that taking the prosecution case as it stands, no offence punishable under Section 307 or any other offence is made out as against the Applicants. He submits

that admittedly, the Applicants are not connected or involved in the assault on the Complainant – Harsh @ Baba Govardhandas Chugani. He submits that the allegation as against the Applicants is that after the incident, they removed broken pieces of glass and wiped the blood stains and as such, have committed the offence punishable under Section 201 of the Indian Penal Code, which is bailable.

4. Perused the papers. It is alleged by the Complainant - Harsh @ Baba Govardhandas Chugani that on 22.09.2019, he and his friend had come to Icon Bar at CBD Belapur, Navi Mumbai. He has stated that at about 1.20 a. m. when he was consuming liquor and singing songs, he noticed five unknown persons sitting on the opposite table. It is alleged that initially, the said unknown persons complimented him on his singing, however, suddenly, thereafter, started assaulting him with a belt and with a beer bottle on his head. It is also alleged that during the assault, the Complainant's gold chain fell down and was misplaced. Admittedly, the Applicants are not amongst the said five unknown persons, who assaulted the Complainant. It appears that the allegation as against the Applicants is that after the incident, they removed broken pieces of glass and wiped the blood stains from the scene of offence. It appears that the offence, if any, could be one punishable under Section 201 of the Indian Penal Code, which is bailable.

5. Considering the aforesaid, the Application is allowed on the following terms & conditions :-

ORDER

- (i) The Applicants be released **on cash bail** in the sum of Rs. 5,000/- each, **for a period of six weeks**;
- (ii) The Applicants shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 5,000/- each** with one or two sureties in the like amount;
- (iii) The Applicants shall report to the investigating officer of the concerned police station **on every Saturday** between **10:00 a. m. to 11:00 a. m.** till filing of the charge-sheet;
- (iv) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicants to co-operate with the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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.

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

(REVATI MOHITE DERE, J.)