

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 110 OF 2020

Bharat Bhai Shankardas Patel
and Ors.

....Applicants

v/s.

The State of Maharashtra

....Respondent

Mr. Manoj J. Bhatt, Advocate for the applicant.

Mrs. J.S. Lohakare, APP for the State.

PI, Naresh Pawar, Bhoiwada Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 25th February, 2020.

P.C. :

1. The applicants are seeking enlargement on bail in Crime No. I-210/2019 registered with Bhoiwada Police Station, for the offences punishable under Sections 302, 326 read with Section 34 of the Indian Penal Code.

2. It is prosecution's case that, applicant

assaulted man by fist and kick blows on charges of theft, who could manage to escape, but later, residents of building, chased him and Majid Mulla & Gupta (absconding accused) tied his legs and mercilessly assaulted him by stick. It is alleged, the suspected thief succumbed to injuries on 13th June, 2019.

3. Eye witness whose statement has been recorded on 1st July, 2019 said the applicants had initially assaulted the deceased by kicks and fistblows but after he managed to escape from their clutches, the residents of the building and particularly the two absconding accused tied the legs of the deceased and assaulted him on his head by wooden stick. The injuries found and noted in the post-mortem report, prima-facie, are attributable to the absconding accused. Thus, in view of the statement of the eye-witness, in my view, a case is made out to release the applicants on bail.

4. The applicants arrested in Crime No.I-210/2019 registered with Bhoiwada Police

Station, are directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) each with one or two sureties in the like sum.

5. The applicants shall report to the Investigating Officer once in a month i.e. second Monday of each month commencing from March, 2020 till the charge is framed between 11:00 to 1:00 p.m.

6. The applicants shall furnish the particulars of their place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days of their release.

7. The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

8. It is made clear that observations made

hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)