

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

CRIMINAL BAIL APPLICATION NO. 1106 OF 2020

Jayshankar Ramswami & Anr.Applicants

Versus

The State of Maharashtra Respondent

Mr. Vinay J. Bhanushali for Applicants

Mr. Amit A. Palkar, APP for the State/Respondent

CORAM :SARANG V. KOTWAL, J.

DATE :15TH DECEMBER, 2020

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R. No. 518 of 2020 registered at Aarey Police Station dated 24th August, 2020 under Sections 326, 324, 323, 504, 506, 427 r/w. 34 of IPC. Subsequently, Section 307 was also added.

2. Heard Mr. Vinay Bhanushali, learned counsel for the Applicants and Mr. Amit Palkar, learned APP for the State/Respondent.

3. The FIR is lodged by one Mangilal Devasi in respect of an incident dated 23rd August, 2020, which had taken place at about 9.30 p.m. It is mentioned in the FIR that one Sudhakar, who was

known to the informant asked money for consuming liquor from the Informant. The Informant refused. Sudhakar approached him with Shankar, one Shimbu and one unknown person. The prosecution case is that Shankar is Applicant No.1 and the unknown person is Applicant No.2. They started quarreling and threatening the informant. At that time brother of the Informant Jagdish tried to pacify them, but Shimbu gave him a slap. Jagdish started running away from the spot. At that time, all of them caught the informant. Applicant No.1 assaulted the informant with a bamboo stick on his hand and back. Applicant No.2, who has described as an unknown person, gave blow of iron rod on the informant's head, causing bleeding injury. People from the area gathered to help. Accused threatened them. After the accused left, informant was taken to the Cooper Hospital for medical treatment and, thereafter, the FIR is lodged.

4. The learned counsel for the Applicant submitted that there are intrinsic improbabilities in the FIR. The alleged eye witness i.e. Jagdish – brother of the First Informant had run away from the spot and yet in his statement he claims to have seen the

incident. Applicant No.2 was described as an unknown person, yet, on 1st September, 2020, his name was mentioned in the Informant's supplementary statement. He submitted that the injuries were described as simple in nature. The Applicants had ample opportunity to cause more damage, but looking at the nature of injuries, it can be seen that there was no intention to commit murder.

5. The learned APP opposed this application by relying the statements of the informant and his brother. He submitted that the injuries were on the head and, therefore, the Applicants did not deserve to be released on bail.

6. I have considered the submissions and also I have perused the record. The First Informant's statement does not clearly mention the name of both the Applicants. Applicant No.2 in particular is described as an unknown person. No identification parade is conducted to establish his identity. Even otherwise nature of incident does not appear to be very serious. The main dispute was with one Sudhakar and none of the Applicants had any quarrel with the first informant. The medical record shows

that there were two injuries of small dimension on the head of the informant. In my view, no purpose will be served by detaining the applicants in custody till conclusion of the trial. In this background, the Applicants can be granted bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R. No. 518 of 2020 registered with Aarey Police Station, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one or two sureties each in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible for the applicants to furnish sureties immediately. Therefore, initially the applicants are permitted to furnish cash bail for the same amount. The applicants will have to furnish the sureties, as directed, within three months from today.

- (iii) The applicants shall attend the concerned police station once in every month for the period of one year.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

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