

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

CRIMINAL BAIL APPLICATION NO.156 OF 2021

Smt.Renu Tinku Mandal Applicant

versus

State of Maharashtra & Anr. Respondents

**WITH
CRIMINAL BAIL APPLICATION NO.159 OF 2021**

Tinku Girdhari Mandal Applicant

versus

State of Maharashtra & Anr. Respondents

.....

- Mr.Jaydev Trivedi, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th APRIL, 2021
(through video conferencing)

P.C. :

1. A common order is passed in both these applications, because they arise out of same CR and same investigation. For convenience, both the applications are referred to by their names.

2. The Applicants are seeking their release on bail in connection with C.R.No.627/2020 registered with Kolsewadi Police Station, Thane, under sections 326-A, 506 and 34 of the Indian Penal Code. Both the Applicants were arrested on 05/11/2020 and since then they are in custody. Investigation is over and the charge-sheet is filed.
3. The FIR is lodged by one Mehjabeen Abid Momin. She has stated that on 04/11/2020 at about 08.00 p.m. there was a quarrel between the Applicant Tinku and the informant's son Amir. For that Tinku had made complaint to Kolsewadi police station. Thereafter there was some sort of compromise between the two groups. On 05/11/2020 at about 12.45 p.m., the informant along with her husband and son Arman had reached Anand Nagar. At that time they saw both the Applicants, Julie Shaikh and Shabina Shaikh standing there. The Applicant Renu and Shabina held her hands. The Applicant Tinku poured Acid from a plastic can on the person of the first informant. She

suffered injuries on her knees, left forearm, right hand and right side of neck. On this basis FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicants are falsely implicated because of previous enmity. He relied on the statements of eyewitnesses Reshma Singh and Maruti Dongre who were independent eyewitnesses. He submitted that the two other accused Julie @ Tabbassum Julfikar Ansari and Shabina Haider Shaikh have also given their statements as witnesses. The police had filed report u/s 169 of Cr.PC. in their favour. He submitted that it itself shows that the narration in the FIR is not correct.
5. Heard Mr.Jaydev Trivedi, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.
6. Learned APP opposed this application and relied on the investigation papers including medical certificate of injured.

7. I have considered these submissions and with assistance of both the learned counsel, I have perused the charge-sheet.
8. The informant had suffered superficial to deep burns on the parts as mentioned in the FIR. Therefore the incident itself cannot be doubted. She had specifically named Applicant Tinku as the person who had poured acid on her person. The role attributed to the Applicant Renu Mandal is that she had held her hands. There are statements of Reshma Singh and Maruti Dongre, who are independent eyewitnesses. Their statements are consistent. They have stated that on the date of incident Reshma had stayed in the house of Nilo @ Mehjabeen, who is the first informant. She heard noise of quarrel. She came out. She saw that the Applicant Renu had run towards her house. This witness Reshma and Maruti also entered house of the Applicants. They saw that a scuffle was going on between Renu, Tinku on one side and Nilo on the other. Witness Maruti and Julie separated them. Both of them took the informant outside the house. However, thereafter the informant again

entered the Applicant's house. At that time, the Applicant Tinku poured a liquid from the can on the informant's person. She suffered burn injuries. Maruti and Julie tried to remove plastic can from Tinku. At that time some liquid was spilled on Maruti and Julie. These two statements clearly exonerate Renu. They did not attribute any overt act to the Applicant Renu, as far as causing of injuries by Acid is concerned. Their statements are supported by witnesses Julie and Shabina. Therefore from the perusal of the charge-sheet and statements of witnesses, the fact which emerges is that the Applicant Tinku alone had poured acid on the victim. The Applicant Renu is entitled for bail. Applicant Tinku cannot be granted bail.

9. Hence, the following order :

ORDER

- (i) Bail Application No.159 of 2021 preferred by Applicant Tinku Girdhari Mandal is rejected.

- (ii) Bail Application No.156 of 2021 is allowed.
- (iii) In connection with C.R.No.627/2020 registered with Kolsewadi Police Station, Thane, the Applicant Smt.Renu Tinku Mandal is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or more sureties in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible to the Applicant Renu to furnish sureties immediately. Therefore, initially the Applicant Renu is permitted to furnish cash bail for the same amount. The Applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)