

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

CRIMINAL BAIL APPLICATION NO. 375 OF 2021

1. Sudhakar Shiva
2. Shimbu Mahendra Narayan
(Alias Chimbu Mahendra Narayan) ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Vinay Bhanushali, Advocate for the Applicant.
Ms. M. R. Tidke, APP for the Respondent – State.
Mr. Dilip M. Rane, Aarey Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th MARCH, 2021

PER COURT:

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

2. The FIR is lodged by Mangilal Devasi on 24th August, 2020. On 23rd August, 2020, applicant No.1 demanded money for consuming liquor. The complainant refused. Applicant No.1, Applicant No.2 and Applicant No.3 along with unknown person came

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to complainant's shop. They started quarreling and threatening the informant. At that time brother of the Informant Jagdish tried to pacify them. Applicant No.2 slapped him. Jagdish started running away from the spot. Applicant No.1 and Shankar assaulted the informant with bamboo stick on his hand and back. Applicant No.2, unknown person and accused No.4 assaulted complainant with iron rod on his head. People from the area gathered to help. Accused threatened them. Informant was taken to Cooper Hospital for medical treatment.

3. The learned counsel for the Applicants submitted that there are intrinsic improbabilities in the FIR. The alleged eye witness Jagdish (brother of the First Informant) had ran away from the spot and yet in his statement he claims to have seen the incident. co-accused was described as unknown person. Yet on 1st September, 2020, his name was mentioned in the Informant's supplementary statement. The injuries were described as simple in nature. There was no intention to commit murder.

4. Learned APP opposed application for bail by relying the statements of the informant and his brother. He submitted that the injuries were on the head.

5. The nature of incident does not appear to be very

serious. The medical record shows that there were two injuries of small dimension on the head of the informant. Jayshankar and another accused referred as unknown person has been granted bail by this Court by order dated 15th February, 2020. No purpose will be served by detaining the applicants in custody till conclusion of the trial. Applicants can be granted bail.

ORDER

- (i) Criminal Bail Application No. 375 of 2021 is allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No. 518 of 2020 registered with Aarey Police Station on executing PR. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for the period of one year.
- (iv) The applicants are permitted to furnish cash bail security in the sum of Rs.25,000/- each for a period of three months in lieu of surety.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)