

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

BAIL APPLICATION NO.371 OF 2021

Raju Devendra Upadhayay	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Prashant Gurav, Advocate for the Applicant.

Mr.S.S. Pednekar, APP for the Respondent – State.

PSI Dilip Rane, Aarey Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 17, 2021.

P.C. :

The applicant is arrested on 13th June, 2020, in connection with C.R. No.105 of 2020, registered with Aarey Police Station, Mumbai, for the offences punishable under Section 307, 341, 323, 504 and 506 read with 34 of Indian Penal Code (“IPC”, for short) read with Sections 4 and 25 of Arms Act and Section 135 of The Maharashtra Police Act. First Information Report was lodged on 10th June, 2020.

2 The case of the prosecution is that on 8th June, 2020, the complainant Sumit Nayar had quarrel with Pravin. He was threatened on 10th June, 2020. Pravin, Rajan and their two

associates obstructed him. He was abused and assaulted with fist blows. He informed the incident to his family members. Thereafter, all of them approached accused. Raju Upadhyay, Rajan Upadhyay and Pravin were present. On being confronted by the parents of the complainant, Pravin and Rajan went inside the house of Pravin and brought sword and sickle. Raju Upadhyay tried to give blow on head of complainant, but, the sickle turned which resulted in blow on right shoulder of complainant. Rajan assaulted Subhash Kumar by sword on head. To save himself Subhash tried to defend resulting in injury to his hand. Raju assaulted by sickle to Babu Habale on his neck. He tried to save by putting his hands forward, which resulted in injury to hands. They threatened people who tried to save injured and created terror.

3 Learned advocate for the applicant submitted that the co-accused Pravin and Rajan Upadhyay has been granted bail.

4 Learned APP submitted that the applicant was instrumental in assaulting by weapons. On perusal of injury certificate of Balu Habale to whom the applicant has assaulted it can be seen that there is injury on the left hand by way of deep cut.

5 Learned APP submitted that there are two more cases registered against the applicant. However, considering the factual matrix of the case, applicant need not be detained in custody. The co-accused are granted bail.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.371 of 2021, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R. No.105 of 2020, registered with Aarey Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall not tamper the prosecution evidence;
- (iv) Applicant shall report concerned police station once in a month on first Saturday of the month for a period of six months, and, thereafter once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m.;

(vi) Applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/-, in lieu of surety, for a period of four weeks;

(vii) Bail Application No.371 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)