

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

BAIL APPLICATION NO.523 OF 2021

Yogesh Sunil Tak

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Mr.Sunny Waskar a/w Mr. Dilip R. Gupta, Advocate for
Applicant.

Mr. A.R. Kapadnis, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th APRIL, 2021

PC.

1. The Applicant is arrested in C. R. No.7 of 2021 registered with Kandivali Police Station, Mumbai for the offence punishable under Sections 307, 324, 365, 506 (2), 143, 145, 147 and 149 of the Indian Penal Code (for short "IPC") and Section 67 of Information Technology Act, 2000. The First Information Report (for short "FIR") was lodged on 07.01.2021. The applicant was arrested on the same day.

2. The prosecution case is that on 06.01.2021 the accused Ravindra Rajendra Dulgaz @ Chinki, his brother Ravi Rajendra Dulgaz, Ajay Bidlan, Rahul Bidlan and Rohit Kagda and 3 to 4

other persons came to the house of complainant. He was forcibly dragged out of the house and made to seat on scooter and taken to Kachpada, Malad (West), Mumbai. He was assaulted with whip. Thereafter Vikas @ Topa was brought to said place. He was assaulted by all the persons. When they were questioned by the complainant about the reason for assault, he was informed that both of them had committed theft of Rs.30,000/- and mobile phone. The complainant denied having committed theft. Thereafter, the clothes of the complainant and Vikas were removed and they were restrained from proceeding to any other place. They were assaulted by whip. They were abused. They twisted neck of complainant and tried to kill him. By using scissor, the accused cut their hair and Mustache. At about 01.00 p.m. they were paraded in the area in undergarment, which were video recorded. After returning home, FIR was lodged.

3. The applicant was arrested on 07.01.2021. He was produced before the Court for remand. He was remanded to Police custody till 11.01.2021. Subsequently, the applicant

was remanded to judicial custody.

4. The applicant preferred an application for bail before the Sessions Court. The application was rejected by order dated 18.01.2021. At that point of time, investigation was in progress.

5. On completing investigation, charge-sheet is filed against the applicant and others.

6. Learned advocate for the applicant submitted that the applicant is 19 years old boy. He is in custody from 07.01.2021. Investigation is completed and charge-sheet is filed. The applicant has not been named in the FIR.

7. Learned APP submitted that the victims were submitted to assault and abuses. They were humiliated. They were paraded. Hence, bail may not be granted to the applicant.

8. The applicant is in custody from 07.01.2021. investigation is completed and the charge-sheet is filed. The applicant has not been named in the FIR. The persons, to whom specific overt act has been attributed, are named in the FIR. The complainant has sustained bruises, abrasion and

swelling. The injuries are on back arm, forearm and ear. All the injuries are of simple nature. Further custody of the applicant is not necessary. Bail can be granted on certain terms and conditions.

ORDER

- (i) Criminal Bail Application No.523 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.7 of 2021 registered with Kandivali 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) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- (iv) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- (v) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- (vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)