

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

CRIMINAL BAIL APPLICATION NO. 1616 OF 2021

1. Uday Vijay Singh
2. Anil Bheem Bhandari

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Sandeep Mishra a/w Shailesh Kadam for the applicants.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 5th MAY, 2021

P.C. :

1. The applicants are seeking their release on bail in connection with C.R.No. I-22 of 2021 registered at Shrinagar Police Station, Thane City, on 24/2/2021 under sections 326, 323, 504 read with Section 34 of the Indian Penal Code. The applicants were arrested on 24/2/2021 and since then they are in custody. As of today they are in Magisterial custody.

2. Heard Mr. Sandeep Mishra, learned counsel for the applicants and Smt. A.A. Takalkar, learned APP for the State.

3. The FIR was lodged by one Rajkiran Ram Yadav. He has stated that on 23/2/2021, at about 9.40 p.m., his friend Piyush Pande was assaulted by both the applicants, Suresh Jaiswal and Ghanshyam Mishra. The informant tried to intervene. At that time all of them assaulted the informant with fist and kick blows. Suraj tried to give a blow on the informant's head with sickle. The informant put up his left hand. Therefore the blow landed on his left palm. He ran away from the spot and got admitted to the hospital. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that Suraj Jaiswal, on his part had lodged his own FIR vide C.R. No. 21 of 2021 at the same Police Station on the same date. Initially the FIR was lodged under section 307, 324,504 r/w Section 34 of the I.P.C but Suraj succumbed to his injuries and therefore Section 302 was added. He submitted that the record shows that Suraj was assaulted severely. Therefore this FIR is lodged with false allegations against the present applicants. He submitted that the

main role is not attributed to the present applicants.

5. Learned APP opposed the application and produced injury certification of the first informant Rajkiran Yadav before me. She submitted that there are statements of three eye witnesses who have narrated in the same manner as of the FIR. There are previous antecedents against both the applicants. There are three antecedents against the applicant Uday and four antecedents against the applicant Anil.

6. I have considered these submissions. I have perused the medical certificate. Injured Rajkiran had suffered one injury on his left palm of the dimension of 10 cm x 5 cm x 3 cm. This injury was caused by Suraj Jaiswal who himself was assaulted by Rajkiran Yadav and Piyush Pande. The record shows that Suraj Jaiswal had succumbed to his injuries. The main role for that was attributed to Rajkiran Yadav who is the first informant in this case. Thus it appears that narration in the FIR and statements of eye witnesses are not reflecting the complete truth. Severe injuries

were caused to Suraj which is not explained by Rajkiran. Rajkiran has suffered one injury which is attributed to Suraj. Allegedly the applicants had assaulted the first informant Rajkiran with fist and kick blows. In this view of the matter the applicants deserves to be released on bail. Considering the previous antecedents against both the applicants, some conditions are required to be imposed on them.

7. Hence the following order.

ORDER

- (i) In connection with C.R. No. I-22 of 2021 registered with Shreenagar Police Station, Thane the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each 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 every fortnight for a period of one year from today.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)