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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2284 OF 2021

Murari Babulal Chauhan ...Applicant
Versus
The State of Maharashtra ...Respondent

ALONGWITH
CRIMINAL BAIL APPLICATION NO. 2459 OF 2021

Sandip Krushna Chauhan ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Harshad Sathe for the Applicant in BA/2284/2021.

Mr. G.M.Parkar for the Applicant in BA/2459/2021.

Mr. H.J.Dedhia, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 4th OCTOBER, 2021

P.C. :

1. Heard learned Counsel for the parties.
2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 6 of 2021 registered with the Vadkhal Police Station, Raigad, for the alleged offences punishable under Sections 302, 307, 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Perused the papers. The incident is stated to be taken place on 10th January, 2021 at about 9.00 p.m. According to the prosecution, accused No.1 – Omprakash Chauhan residing on the first floor, washed his hands in the gallery, pursuant to which, water fell on one Munib Khan, who was residing on the ground floor. It appears that there were exchange of hot words between the two, pursuant to which, Munib Khan came to the room and disclosed the same to Niktab Alam and others. It is alleged that all the accused including the applicants went to Munib Khan's room and started knocking the door, pursuant to which, the same was opened. It is alleged that four accused including both the applicants entered the house and started abusing Munib Khan. According to the prosecution, when Niktab Alam stopped the accused from entering his house, accused No.1 – Omprakash is stated to have pulled out a knife and assaulted Niktab Alam in his abdomen, as a result of which, Niktab Alam sustained a simple injury. It is further alleged that when Omprakash again tried to assault Niktab Alam, he raised his hand, pursuant to which, he received an injury on his palm. As far as the other co-accused i.e. both the applicants and Krushna Chauhan are concerned, they are alleged to have assaulted Niktab Alam with fist and kick blows.

4. It appears that during the said quarrel, Dilip (deceased) who

was also staying in one of the rooms (working with H & H Constructions), entered the room and tried to pacify the parties. It is alleged that all the accused lifted Dilip and took him to the room and started assaulting him in the gallery opposite the room. It is further alleged that in the quarrel, the window frame having grills gave way and fell down, as a result of which, the glass was scattered all around. It is alleged that accused No.1 – Omprakash held Dilip's hand and that, accused No.4 - Krishna picked up one glass piece, which was lying on the spot and assaulted Dilip on his hand, as a result of which, Dilip sustained bleeding injuries and succumbed to the same later.

5. There are eye-witnesses to the said incident. As far as the applicants are concerned, in the first incident, they assaulted Niktab Alam with fist and kick blows, however, subsequently, there are no allegations as against them, that they assaulted Dilip, when he was taken to the room. The applicants have no antecedents. The applicants are in custody since 11th April, 2021. Investigation is complete and chargesheet is filed and as such, further detention of the applicant is not warranted. The applicants have also tendered an affidavit-cum-undertakings of the applicants, aged 19 years and 20 years. The said affidavit-cum-undertakings are taken on record. In the said affidavit-cum-undertakings, both the applicants have

undertaken not to leave the jurisdiction of Raigad , Thane and Mumbai Districts, till the conclusion of the trial; they have also undertaken to attend the trial Court on every date and have stated that in the event, they leave, their bail may be cancelled.

6. Considering the role of the applicants and the affidavit-cum-undertakings filed by the applicants, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- each with one or two local sureties in the like amount;

(ii) The applicants shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 12:00 noon, from the date of their release, till the conclusion of their trial, except if the date in the trial Court falls on a Saturday;

(iii) The applicants shall not leave the jurisdiction of Raigad, Thane and Mumbai District, except for the purpose of attending the police station;

(iv) The applicants shall inform their latest places of residence and mobile contact numbers, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

7. The applications are allowed in the aforesaid terms and are accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.