

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

BAIL APPLICATION NO.2426 OF 2021

Nakul H. Yadav ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Karan Mertia i/by Mr. Tanveer Farooqui for the Applicant.
Smt. Anamika Malhotra, APP for the Respondent-State.
PSI Vijay Kadam, attached to Kurar Police Station present.

CORAM : SANDEEP K. SHINDE J.
DATE : 10th AUGUST, 2021.

P.C. :

Heard.

2 Applicant seeks his enlargement on bail in connection with Crime No.615 of 2021 registered with Kurar Police Station for the offences punishable under Sections 307, 326, 324, 143, 144, 145, 147, 148, 149, 504 and 506II of the Indian Penal Code, 1860.

3 Prosecution case is that applicant, being member of unlawful assembly, in prosecution of common object, severely assaulted complainant by dangerous weapons like knife and iron rod. Complainant had suffered injuries on the vital parts of his body. Injury report shows that he had suffered a fracture of 5th middle phalanx. Applicant was apprehended on 21st June, 2021.

4 The learned counsel for the applicant has taken me through the First Information Report to submit that although the applicant was present on the spot, he made efforts to prevent Taj Hussain from inflicting knife blows on the person of the complainant. It is, therefore, argued that applicant was not sharing common object of the unlawful assembly. Reliance was placed on judgment of the Apex Court in the Case of **Najabhai Wagh (2017) 3 SCC 261**.

5 I have perused the First Information Report and the statements of two witnesses. Presence of the applicant

is not disputed, yet, complaint suggests that attempts were made by the applicant to disassociate himself from the unlawful assembly by preventing Taj Hussain from inflicting knife blows on the person of the complainant.

6 It is submitted by the learned Additional Public Prosecutor that there are no criminal antecedents against the applicant. Except Taj Hussain, all other accused have been granted bail.

7 In consideration of the facts aforesaid, case is made out for releasing the applicant on bail subject to the following conditions. Hence, the following order:

ORDER

(i) The applicant in Crime No. 615 of 2021 registered with Kurar Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall attend the concerned police station on every Monday, commencing from 16th August, 2021 between 11 a.m. to 1 noon till the charge is framed.

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

8 The application is accordingly allowed and disposed of.

9 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)