

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

CRIMINAL BAIL APPLICATION NO. 1719 OF 2020

Saurabh Kumar Yadav	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Prashant Gurav, Advocate for the Applicant.
Ms. M. R. Tidke, APP for the Respondent – State.
Mr. Laxman Bapu Karande, A. P. I. Dahisar Police Station, Mumbai,
Present.

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CORAM	:	PRAKASH D. NAIK, J.
DATE	:	5th MARCH, 2021

PER COURT:

1. The applicant is arrested on 28th September, 2020 in connection with C.R. No. 1430 of 2020 registered with Dahisar Police Station, Mumbai, for offences under Sections 326, 324, 323, 504, & 506 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that about 10 to 12 persons were involved in the assault. Most of them had used paver blocks which were lying on the road in assaulting the injured persons. The names of the injured were Yogesh Mulik, Abdul Nisar Ansari, Kiran Hatekear, Chandankumar Jethe. On completing investigation, charge-sheet is filed.

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3. Learned advocate for the applicant submits that there are no criminal antecedents against the applicant. The Injury sustained by the injured persons are not serious. No weapon was used in the commission of crime. Ten to twelve persons were involved in the offence. No specific overt act has been attributed to them.

4. Learned APP submitted that the applicants are attributed specific overt act. The applicant is also involved in assaulting Yogesh Mulik by beer bottle on his head. The injury certificates supports the prosecution case. There are eye witnesses to the incident.

5. From the FIR and the other documents it is apparent that the offence was initially registered under Sections 324 & 326 of IPC and subsequently Section 307 of IPC was invoked. Yogesh Mulik had sustained simple injury on occipital region. The injured Abdul Ansari had sustained two injuries in the nature of CLW & blunt trauma are simple in nature. Kiran Hatekar had sustained CLW, blunt trauma and abrasion which are simple injuries. Chandankumar Jetha had sustained head injury on blunt trauma which is simple in nature. It is pertinent to note that several persons were involved in the assault. The applicant is in custody for substantial period of time. Considering the factual matrix of the case, further detention of the

applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No.1719 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 1430 of 2020 registered with Dahisar 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 report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday between 11:00 a.m. to 1:00 p.m till further order;
- (iv) The applicant shall not tamper with the evidence.
- (v) The applicant is permitted to furnish provisional cash bail 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.)