

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

CRIMINAL APPLICATION NO.373 OF 2018

Mumtaz Salim Shaikh	]	
aged 30 years, Indian Inhabitant	]	
presently residing at Flat No.407,	]	
Mohan Apartment, Near Gaodevi Temple]		
Maharalgaon, Taluka - Kalya,	]	
District - Thane.	]	.. Applicant

Versus

1)	State of Maharashtra through Kalyan Taluka Police Station, Titwala;	]]]	
2)	Suresh Mamraj Sharma Aged 34 years, residing at MIDC Road, Zakat Naka, Room No.4, Maharal Sosa, Maharalgaon, Taluka - Kalyan, District - Thane;	]]]]]]]	.. Respondents
3)	Pinkukumar Ramnarayan Rao Aged 27 years, Residing at MIDC Road, Pitrachayya Building, Room No.5, Mahalgaon, Taluka - Kalyan, District - Thane.	]]]]]	
4)	Jagannath Madhukar Bangal Aged 28 years, Residing at Bodke Chawl, Room No.2, Near Gaodevi Temple, Maharalgaon, Taluka - Kalyan, District - Thane.	]]]]]]	

**WITH
CRIMINAL APPLICATION NO.376 OF 2018**

Mumtaz Salim Shaikh	]	
aged 30 years, Indian Inhabitant	]	
presently residing at Flat No.407,	]	
Mohan Apartment, Near Gaodevi Temple	]	
Maharalgaon, Taluka - Kalya,	]	
District - Thane.	]	.. Applicant

Versus

1)	State of Maharashtra through	]	
	Kalyan Taluka Police Station,	]	
	Titwala;	]	
2)	Prashant Rajendra Singh,	]	
	Aged - 24 years	]	.. Respondents
3)	Rajendra Bhanupratap Singh	]	
	Aged 42 years,	]	
	Both Residing at Flat No.A/201,	]	
	Near Gaodevi Temple,	]	
	Mahalgaon, Taluka - Kalyan,	]	
	District - Thane.	]	

.....

Ms.Shivani S. Kunder, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent - State in Appln. No.373 of 2018.

Mr.R.M. Pethe, APP for the Respondent - State in Appln. No.376 of 2018.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 11, 2021.

P.C. :

This is an application for cancellation of bail vide Section 439(2) of Cr.P.C. The applicant is the original complainant. Respondent nos.2 to 4 in Criminal Application No.373 of 2018 and respondent nos.2 and 3 in Criminal Application No.376 of 2018, were arrested in connection with C.R.No.I-248 of 2017, registered with Kalyan Taluka Police Station, Kalyan, District-Thane. First information Report ("FIR", for short) was registered on 31st October, 2017, for the offences punishable under Sections 354, 324, 327, 143, 147, 148, 149, 323, 504 and 504 of Indian Penal Code ("IPC", for short). Subsequently, Section 307 of IPC, was invoked.

2 The complainant has alleged that the accused had abused the complainant. They assaulted by iron pipe. One of them took out chopper. Supplementary statement of complainant was recorded on 7th November, 2017. The injured was treated for the injuries. The accused were arrested. They were produced before the concerned Court for remand. The accused preferred applications for bail before the Sessions Judge, Kalyan. The

applications were allowed vide order dated 25th January, 2018 and 22nd November, 2017.

3 Learned counsel for the applicant submitted that the offence is of serious nature. The injured had sustained injuries and considering the nature of injuries, Section 307 of IPC was invoked. Section 392 of IPC was also added. The weapon was used for assaulting the victim. The condition no.6 stipulated in order dated 25th August, 2018 directing accused to attend the Court and police station has not been complied. The accused are not appearing before the trial Court regularly.

4 Learned APP, on instructions, submitted that on completing investigation charge-sheet is filed and the matter is pending before the concerned Court.

5 I have perused the impugned order. The learned Sessions Court has analysed the factual aspects, the material on record and granted bail on certain conditions. The condition no.6 referred to by the learned counsel for the applicant indicate that the accused shall attend the Court and the police station as and when required or directed. In the event the accused are not appearing before the Court, the trial Court would certainly take recourse to the measures provided by law. However, the

impugned orders granting bail does not require any interference at this stage.

:: ORDER ::

- (i) Criminal Application No.373 of 2018 and 376 of 2018, are rejected, and, disposed of accordingly.

(PRAKASH D. NAIK, J.)