

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

BAIL APPLICATION NO. 1996 OF 2021

1) Suresh Babu Elangovan	
2) Bala Subramaniam Kanaiya	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Lokesh Zade i/b. Mr. Asif L. Shaikh for the Applicant.
Mr. M.G. Patil, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 25th MARCH, 2022.**

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicants who are facing trial in Sessions Case No.913/2021 pending on the file of Sessions Judge, Greater Mumbai.

2. Heard Mr. Lokesh Zade, learned counsel for the Applicant. He states that the first informant had entered into the house of the Applicant No.1 and started assaulting him and that in the course of scuffle, the Applicant, the first informant and the witness – Sudlaimani sustained injuries. He submits that the Applicant No.1 had also lodged the complaint against the first informant in respect of the same offence. He states that the Applicants are in custody since 04/01/2021 and that considering the nature of the accusations against them, their presence

is not required in custody pending trial.

3. Learned APP states that the statement of the injured prima facie indicate that both these Applicants are involved in inflicting injuries on the first informant as well as the witness – Sudlaimani. He submits that the Applicant No.1 is also involved in another crime for offence under section 307 of IPC whereas, the Applicant No.2 is involved in offence under section 380 of IPC. He submits that the criminal antecedents of these Applicants also would not justify grant of bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The crime against the aforesaid Applicants was registered pursuant to the First Information Report (FIR) lodged by Rajmani Veera Perumal – the injured witness. The FIR indicates that on 03/01/2021, at about 05:30 a.m., the sister of the Applicant had come to his house and had threatened her. The complainant and his brother – Sudlaimani went to the house of the Applicant to inquire about the said incident. The first informant has alleged that while he was talking to the mother of the Applicant No.1, her daughter – Shashikala assaulted him. In the meantime, the Applicant No.1 came out of the house with two knives

and inflicted injuries on his legs. Immediately thereafter, the Applicant No.2 who is the friend of the Applicant No.1 came to the spot of the incident. He caught hold of Sudlaimani, at which time, the Applicant No.1 inflicted blow of knife on his abdomen. The complainant has stated that he and his brother has sustained injuries and that he was treated in Sion Hospital.

6. The statement of Sudlaimani also prima facie indicates that the Applicant No.1 had inflicted a blow of knife on his abdomen. The medical certificate prima facie indicates that the first informant had sustained CLW on right thigh which is stated to be simple in nature whereas, Sudlaimani has sustained injuries with sharp object, stated to be grievous in nature. The material on record thus prima facie indicates that the Applicant No.1 was involved in inflicting injuries on Sudlaimani. However, whether the said injury was inflicted with an intention of causing his death or knowledge that the injury was likely to cause death, is a question which will have to be decided on merits of the matter. It is relevant to note that the first informant and his brother had been to the house of the Applicant No.1 and that the incident had occurred in the house of the Applicant No.1. It is also to be noted that the Applicant No.1 had also lodged cross-complaint alleging that the

first informant and his brother were involved in assaulting them. In this regard, C.R.No.5/2021 for offences under sections 452, 323, 324, 325, 504, 506(2) r/w. 34 of the Indian Penal Code has been registered against the complainant and his brother.

7. The material on record prima facie indicate that both parties were involved in assaulting each other. It is also on record that the first informant as well as Applicant No.1 have criminal antecedents. The Applicants are in custody since 04/01/2021. Their presence is not required in custody pending trial which, considering the large pendency of cases, is not likely to commence in near future.

8. Considering the above facts and circumstances, the Applicants are entitled for bail. Hence, the Bail Application is allowed on following terms and conditions :-

- (i) The Applicants who are facing trial in Sessions Case No.913/2021 pending on the file of Sessions Judge, Greater Mumbai, are ordered to be released on bail on furnishing PR bonds in the sum of Rs. 40,000/- each (Rupees Forty Thousand each) with one or two solvent sureties in the like amount.

- (ii) The Applicants shall report to Shahu Nagar Police Station, Mumbai once in a month on every 1st Saturday between 11.00 a.m. to 01.00 p.m. until further orders;
- (iii) The Applicants shall not interfere with the complainant and other witnesses and/or shall not tamper with the evidence in any manner.
- (iv) The Applicants shall keep the Trial Court informed of their current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
- (v) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

9. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

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(SMT. ANUJA PRABHUDESSAI, J.)