

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

BAIL APPLICATION NO. 3622 OF 2021

Kartik Ramkrishna Devendra .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Rajeshkumar Jaiswar for the applicant.

Ms. Veera Shinde, APP for the State.

PSI Shri Mahesh Sawant from Juhu police station.

CORAM: BHARATI DANGRE, J.

DATED : 30th SEPTEMBER, 2022

P.C:-

1. The present applicant came to be arrested on 13/11/2020, in-connection with C.R. registered with Juhu, Police Station which invoke section 307, 326, 504 read with 34 of IPC and Section 37, 135 of Maharashtra Police Act.

The complaint lodged by one Vijay Shiva Devendra allegedly stating that he had gathered along with his relatives on account of some function in his family and they went to Kartik Chawl, Vile Parle, Mumbai, his relatives included Murgan Devendra, Rajan Devendra @ D.S.P.

2. While they were fast asleep they could hear some commotion and on opening the door they noticed that one Parmesh Devendra, Kisan Devendra, Kartik Devendra, and Arvind Devendra had consumed liquor and they had created a havoc and they were throwing the bottles hear and there. He

state that the persons were hardened criminals and therefore initially he hesitated in complaining about their conduct but when it become unbearable D.S.P @ Rajan opened the door and chided them. As a consequence they started abusing and several people gathered on the location. This happened around 4:30 a.m in the morning.

3. At 4:45 a.m the complainant could hear the door being knocked and on opening he found, Parmesh, Kisan, Kartik and Arvind with swords in their hands. The complainant attempted to escape the assault and at that time it is alleged that Kisan @ Gorkhi Devendra assaulted him on his left arm and he sustained injury. When Murgan came to his rescue it is alleged that Parmesh assaulted him by means of a sword on his hand and the assault resulted in amputation of his two fingers and he started screaming. As far as the present applicant is concerned as per complainant he assaulted Rajan on his face by hands. Arvind is also alleged to have assaulted Murgan on his shoulder and thereafter all the persons left the spot.

4. During investigation the statement of Rajan, Murgan and one Prem Raj @ Devendra came to be recorded. *Prima facie* there appear some inconsistency in their version, but in any case it will be a matter of trial. The charge-sheet has compiled only one injury certificate of Murgan and the injury described as CLW over left hand which is described as grievous injury.

The learned counsel for the applicant has placed reliance

upon the order passed in case of Arvind Devendra, in BA No. 1602 of 2021, the co-accused, who came to be released on bail on 14/02/2022 by recording as under:

“I have considered these submissions. The injured Murugan had suffered only injury as mentioned in the injury certificate on his right left hand, which is described as a grievous injury. There is no injury on his shoulder as alleged in FIR. The other injured Vijay had suffered abrasions which are simple injuries. Therefore the Applicant has not caused any grievous injury. In fact, the role attributed to the Applicant is not supported by the medical evidence. Therefore evidence against the Applicant is weak. Though there are six antecedents against the Applicant, bail cannot be denied to him in this case, in view of nature of weak evidence against him. However, some conditions will have to be imposed on his to keep check on the activities.”

I see no reason why the present observations will not apply to present applicant. He deserve his release on bail, considering that the applicant is incarcerated since last 2 years and even charge has not been framed.

Hence the following order.

ORDER

- (a) The Applicant – Kartik Ramkrishna Devendra in connection with C.R.No.382/2020 registered with Juhu Police Station shall be released on bail on furnishing P.R. bond to the extent of

Rs.25,000/- with one or more sureties of the like amount.

The applicant shall be released on cash bail of Rs. 25,000/- in lieu of sureties for a period of six weeks. During the said period, the applicant shall arrange for the sureties.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall attend the trial on regular basis.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)