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

BAIL APPLICATION NO.5 OF 2023

NIKHIL DEVRAJ SHARMA @ KAPLI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Gaurav Bhawnani a/w Mr. Khan Abdul Wahab for the applicant.

Ms. Veera Shinde, APP for the State.
PI Vinod Gaonkar, Khar Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 28, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 323, 504 of the Indian Penal Code, 1860 (hereafter 'IPC' for short) registered vide C.R. No.960 of 2022 with Santacruz Police Station.

3. The FIR was registered on 08.08.2022. The applicant was arrested on 08.08.2022 and he is now in custody for more than one year. The applicant is the sole assailant. There are eye witnesses to the incident. The incident is

stated to have taken place on 07.08.2022 at around 8.45 p.m. There was some quarrel going on between the applicant and the witness-Sohel Anwar who is the first informant. The applicant became aggressive and assaulted the witnesses with fist and kick blows. The deceased tried to intervene when the applicant pushed him on the ground and assaulted the deceased on his chest and stomach with fist and kick blows. Thereafter, the applicant had assaulted the other witnesses who tried to intervene. The deceased complained of feeling uneasy as a result of the assault and therefore was taken to the hospital by some friends. At around 11.30 p.m. the injured Abdul Salim Shaikh was declared dead.

4. Learned APP submitted that the applicant is a boxer and therefore, it can be safely inferred that the applicant has knowledge that the injury might cause the death of the deceased.

5. Having regard to the facts and circumstances of the present case and the manner in which the incident took place, in my opinion, considering that the applicant is in

custody for a period of one year with no possibility of the trial commencing and concluding any time soon, the applicant can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Nikhil Devraj Sharma @ Kapli in connection with C.R. No.960 of 2022 registered with Santacruz Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of the Santacruz police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not enter the western suburbs of Mumbai till the trial is concluded or such modification as may be ordered by this Court except for attending the trial and the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any

person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

6. The application is disposed of.

(M. S. KARNIK, J.)