



PMB

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

BAIL APPLICATION NO.3048 OF 2023

JORA SINGH @ JIVAN JALRAM BHATT ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.2895 OF 2023**

HEMANT KUMAR VASANTJI RAMBIYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.3049 OF 2023**

MANISH KISHORBHAI GANDHI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.3058 OF 2023**

JANAK MOTIRAM BHATT ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO.3059 OF 2023**

HARSHIT MANISH GANDHI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sunil Kumar a/w Adv. Jitendra Yadav a/w Adv. Dildar
Singh a/w Adv. Shivam Mishra i/b. M/s. Kumar and
Associates for the Applicants.

Mr. P. H. Gaikwad, APP for the State.
PSI Sudhir Korgaonkar, Kasturba Marg Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 19, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** These are applications for bail in respect of the offence punishable under Sections 304(2), 143, 144, 147, 148, 149 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1)(a), 135 of Maharashtra Police Act registered on 25.05.2023 vide C.R. No.337 of 2023 with Kasturba Marg Police Station.
- 3.** There are in all five accused. The applicant-Jora Singh @ Jivan Jalram Bhatt is the accused No.1. The applicant-Hemant Kumar Vasantji Rambiya is the accused no.5. The applicant-Manish Kishorbhai Gandhi is the accused No.4. The applicant-Janak Motiram Bhatt is the accused No.2. The applicant-Harshit Manish Gandhi is the accused No.3. The date of the incident is 25.05.2023. The accused Nos.1 and 2 are the security personnel. The accused Nos.3 to 5

are the residents of the society. It is the prosecution case that the accused have mercilessly assaulted the victim who succumbed to the injuries.

4. Learned APP opposed the applications for bail. Learned APP submitted that the CCTV footage clearly demonstrates the assault by the accused on the victim. Further there is a recovery of the stick at the instance of the accused No.1- Jora Singh @ Jivan Jalram Bhatt and hockey stick at the instance of the accused No.3-Harshit Manish Gandhi. There are fourteen injuries reported. The cause of death is head injury.

5. I have gone through the CCTV footage transcripts. It appears that the victim entered into the society premises at around 1.25 a.m. in the intervening night of 24.05.2023 and 25.05.2023. The accused Nos.1 and 2 who are the security personnel suspected the victim to be a thief. They therefore ran after the victim. Some of the residents of the building also ran after the victim. The accused assaulted the said victim with bamboo sticks and hockey stick. The residents of the building alerted the police. The victim who

was in injured condition was taken away by the police authorities to the hospital. The victim however succumbed to the injuries at 5.20 in the morning. The incident was not premeditated and happened on the spur of the moment. There was no enmity which the accused had with the victim. The incident as happened is unfortunate. The applicants were arrested on 25.05.2023. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicants. In the facts and circumstances of the present case I am inclined to enlarge the applicants on bail. Hence, the following order :-

ORDER

- (a) The applications are allowed.
- (b) The applicants-Jora Singh @ Jivan Jalram Bhatt, Hemant Kumar Vasantji Rambiya, Manish Kishorbhai Gandhi, Janak Motiram Bhatt and Harshit Manish Gandhi in connection with C.R. No.337 of 2023 registered with Kasturba Marg Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants are permitted to furnish cash bail surety in the sum of Rs.25,000/- each for a period of 6 weeks in lieu of surety.

(d) The applicants shall attend the Investigating Officer of Kasturba Marg Police Station once in three months every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing November 2023.

(e) The applicants 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 applicants shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicants shall attend the trial regularly.

(h) The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The applications are disposed of.

(M. S. KARNIK, J.)