

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

CRIMINAL BAIL APPLICATION NO. 3564 OF 2022

Armugam Swayambhu Thevar	...Applicant
Versus	
State Of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO. 3539 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 3564 OF 2022**

Kavita Thangesh Thevar	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Gaurav Bhawnani i/b Zeeshan Khan for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent-State.
Mr. Vishal V. Rankhambe a/w Mrs. Aparna Rankhambe i/b Mr. Jigar
Agarwal for the Intervenor.
Mr. A. T. Kadam – PSI Wadala Police Station, Mumbai present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 265 of 2021 registered with Wadala T. T. Police, Mumbai for the offences punishable under Sections 307, 506 read with 34 of the

Indian Penal Code, 1860 (for short “IPC”) along with Sections 4, 25 of Indian Arms Act, 1959 and Sections 37(1)(A) read with Section 135 of Maharashtra Police Act, 1951.

2. It is prosecution's case that applicant and co-accused assaulted the father and brother of first informant with sickle on head and vital parts of the body with intention to kill them.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. Applicant is behind bar for more than two years, yet charge has not been framed. Due to the dispute amongst family members, applicant is involved in this case. Hence, requested to allow the application.

4. Learned APP submitted that applicant and co-accused assaulted the injured witnesses with sickle on their head and vital parts of the body with intention to kill them. The injury sustained to the witnesses are grievous injuries. There is *prima facie* case against the applicant. There is CCTV footage of the said incident. Applicant has criminal antecedents. If applicant is released on bail, he may

threaten the prosecution witnesses. Learned APP further submitted that the co-accused, who has been released on bail by trial Court is threatening the prosecution witnesses and more than 9 N.C.'s are filed against him. Hence, requested to reject the application.

5. Learned counsel for the intervenor reiterates the submissions of learned APP.

6. I have heard all learned counsels. Perused FIR and charge-sheet.

7. Allegations against the applicant are that he assaulted father and brother of the complainant with sickle. The co-accused having same allegations, has been released on bail by the trial court. Applicant is behind bar for more than two years, yet charge has not been framed. It may take time to conclude the trial. Investigation is completed and charge-sheet has been filed.

8. Considering the above facts, further detention of applicant's is not required.

9. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in C. R. No. 265 of 2021 registered with Wadala T. T. Police, Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or

attempt to influence or contact the complainant,
witness or any person concerned with the case.

(v) Applicant shall enter the Wadala Antop Hill
Area till framing of the charge.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this Order.

12. All concerned to act on the authenticated copy of this order.

13. All pending interim applications stands disposed off.

(SHIVKUMAR DIGE, J.)