

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

CRIMINAL BAIL APPLICATION NO. 3877 OF 2022

Luvkush Rambacchan Chauhan And Anr	...Applicants
Versus	
State Of Maharashtra	...Respondent

Mr. Ashish B. Jagtap i/b Mr. B. L. Jagtap for the Applicants.
Ms. P. N. Dabholkar, APP, for the Respondent-State.
Mr. Sameer A. Faniband – PSI, SB1 CID / IO – ASI Ghag, Malvani
Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2023.

P.C. :

1. By this application, applicants are seeking bail in C. R. No. 543 of 2020 registered with Malvani Police Station, Mumbai for the offences punishable under Sections 307, 324, 504 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that on 30th May, 2022 at about 9:00 p.m. applicants had assaulted the first informant and his brother with knife on his chest right hand elbow and stomach with

intention to kill them.

3. It is contention of learned counsel for the applicants that the incident was happened due to scuffle. The applicants have been assaulted mercilessly by first informant and his brother, in which applicants have been sustained injury and was required to be taken to the hospital for medical treatment. The applicants have not been used any alleged weapon during the scuffle but, it is falsely alleged that the applicants have used weapons for the assault. Applicants are in jail for more than three years, yet trial has not been started. Hence, requested to allow the application.

4. It is contention of learned APP that applicants have assaulted the first informant and his brother with knife on chest, right hand elbow and stomach, which are vital parts of the body with intention to kill them. There is *prima facie* case against the applicants. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Allegations against the applicants are that they had assaulted complainant and his brother with knife with intention to kill them. Applicants are behind bar for more than three years, yet

trial has not been commenced. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial.

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

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

ORDER

- (i) Applicant be enlarged on bail in C. R. No. 543 of 2020 registered with Malvani Police Station, 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.

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.

(SHIVKUMAR DIGE, J.)