

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

BAIL APPLICATION NO. 1521 OF 2024

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1. Rohit Santosh Yadav
2. Pradeep Santosh Yadav

...Applicants

Versus

1. The State of Maharashtra
2. Sr. Inspector of Police Turbhe Police
Station, Mumbai.

...Respondent

Mr. Bhagwan Mishra, a/w Sarita Yadav, for the Applicants.
Ms. Ranjana Humane, APP for the State/Respondent No.1.
API Wasim Shiakh, Turbhe Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 10th APRIL, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for bail in CR No.380 of 2023 registered with Turbhe MIDC Police Station, Navi Mumbai, for the offences punishable under Sections 307, 324, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").
3. Sagar Yadav was working as a driver with Swastik Logistics Transport. He was driving a Tanker switching off VTS. Therefore, he was black listed. On 2nd November, 2023, the applicants raked up a quarrel with Kunal Yadav, the

owner of the said company. The first informant, who was working as a Manager with Swastik Logistics settled the salary account of Sagar Yadav and paid Rs.8,000/-. In the evening at about 7.30 pm. while the first informant and Kunal Yadav were searching Sagar Yadav as he had the key of the tanker, Sagar Yadav and his associates, including the applicants, charged on the first informant. Applicant No.2 Pradeep Yadav was armed with an iron rod. He gave blow on the head of the first informant by means of an iron rod. Co-accused Bholu Yadav gave blows by means of knife. The applicant No.1 Rohit Yadav and co-accused Sagar Yadav also assaulted the first informant by means of iron rods. Kunal Yadav came thereat and rescued the first informant from the applicants and co-accused.

4. The learned Counsel for the applicants submitted that the injury certificate indicates that the applicants and the first informant had sustained simple injuries. The first informant alleged that, apart from the applicants, 18 other persons were also present at the time of occurrence. The assault allegedly attributed to the applicants is not co-related to the injuries found on the person of the first informant, as

noted in the injury certificate. The applicants are in custody since 3rd November, 2023. Therefore they be released on bail.

5. As against this, the learned APP submitted that the applicants have been specifically named as the assailants in the FIR. There are statements of eye witnesses including Kunal Yadav, who have stated that the applicants assaulted the first informant by means of an iron rod. The weapon of offence has been recovered pursuant to the discovery made by the applicant No.1 Rohit Yadav under Section 27 of the Evidence Act. The statement of one of the witness, Mahendrapratap Ramswaras Singh alias Bipin has also been recorded under Section 164 of the Code. There is a strong *prima facie* case against the applicants.

6. I have perused the report under Section 173 of the Code and the documents annexed with it. The injury certificate of the first informant indicates that the first informant has sustained one CLW, multiple contusions and abrasions. The Medical Officer had designated all the injuries as simple.

7. It appears that the genesis of the alleged offences was in the dispute between the employer and employee over black-listing of the co-accused Sagar Yadav by the employer. It appears that apart from the named assailants, there were a

number of persons at the time of the alleged occurrence. Having regard to the nature of the injuries suffered by the first informant, whether the applicants were the perpetrators of the alleged assault by means of an iron rod, would be a matter for adjudication at the trial.

8. The applicants are in custody since 23rd November, 2023. Investigation is complete. Charge-sheet has been lodged. Further detention of the applicants does not seem warranted. Therefore, I am inclined to exercise discretion in favour of the applicants.

9. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicants be released on bail in CR No.380 of 2023 registered with Turbhe MIDC Police Station, Navi Mumbai, on furnishing a P.R. Bond in the sum of Rs.30,000/-, each, with one or two sureties in the like amount.
- (iii) The applicants shall mark their presence at Turbhe MIDC Police Station on the first Monday of every alternate month between 10.00 am. to 1.00 pm. for a period of three years or till the conclusion of the trial,

whichever is earlier.

- (iv) The applicants shall not enter the premises of Swastik Logistics Transport.
- (v) The applicants shall not tamper with the prosecution evidence. 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.
- (vi) On being released on bail, the applicants shall furnish their contact number and residential addresses to the investigating officer and shall keep him updated, in case there is any change.
- (vii) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicants and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

[N. J. JAMADAR, J.]