

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

BAIL APPLICATION NO. 3794 OF 2024

Guruprasad Suryabhan Yadav @ Chintu .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Mohammed T. Siddiqui, Advocate, for the Applicant
Mr. R. M. Pethe, APP, for the Respondent – State
Mr. Ravindra Chavan, PSI, Kandivali Police Station, Mumbai present

CORAM : MILIND N. JADHAV, J.

DATE : 04.03.2025

P. C.

1. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 187 of 2024 for the alleged offences punishable under Sections 307, 323, 504 r/w. 34 of the Indian Penal Code, 1860, registered with the Kandivali Police Station, Mumbai.
2. The incident occurred on 07.03.2024. The first informant was injured in the incident. However, FIR which is appended at page No. 28 of the Application records that ten days prior to the incident in question, there was a precursor incident on which date the first informant was allegedly threatened by the Applicant.
3. Mr. Siddiqui, learned Counsel for the Applicant in the course of his submissions has drawn my attention to the witness statement which

is appended at page No. 43 of the Application. The witness is a salon shop owner situated next to the medical shop outside which the incident occurred. The incident pertains to the alleged assault on the first informant by three accused persons. The said salon owner, Mr. Pradeep Sudarshan Kumar has stated that he witnessed the incident and saw Accused No. 2 – Sumeet in fit of rage taking the blade (वस्तरा) from his salon and approaching the Applicant and inflicting several blows with it on the Applicant. The Injury Certificate appended at page No. 101 of the Application records that the Applicant received one grievous injury and four simple injuries. Role of the present Applicant i. e. Accused No. 2 before me as stated in the FIR is that he along with accused No. 2 assaulted the first informant with a weapon inflicted fist and kick blows on the first informant. There is also panchanama of CCTV footage which has been placed at page No. 40 of the Application by the prosecution which states that at the time of the incident, it was a free fight between the parties from which precise role of the Applicant or any other Accused is not discernible. In the FIR, the first informant has also stated that all three Accused inflicted blows by the bamboo on his body at the time of the fight.

4. Mr. Siddiqui, learned Counsel for the Applicant also argued and informed the Court that Applicant was himself injured in the scuffle

that took place. However, the same is now substantiated from the Affidavit filed by the prosecution. Further, he has placed the details of the FIR with respect to the same incident against the first informant.

5. Mr. Pethe, learned APP for the Respondent – State has filed Affidavit-in-reply of Mr. Shrikant Magar, PSI, Kandivali Police Station, Mumbai, explaining lodging of the FIR by the present Applicant and also appending the Medical Certificate of the Applicant. It is seen that he also received simple injury by a blunt weapon and abrasion on his back in the same incident for which he was treated.

6. Considering the aforesaid position and role attributed to the present Applicant and the fact that Accused No. 2 having a greater role of using the weapon and he having been granted bail, the Applicant has made out a case for bail. Application is allowed on the following terms and conditions :

O R D E R

- (i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station as and when called for by the investigating officer;
- (iii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to co-operate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. Bail Application is allowed and disposed.

(MILIND N. JADHAV, J.)