

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4379 OF 2024

Shanti Annadurai Devendra	.. Applicant
Versus	
State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO.4386 OF 2024

Priyanka Satish Gavand	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Taraq Sayed a/w. Mr. Anish Pereira, Ms. Ashwini Achari and Mr. Devashish Dhanjode, Advocates for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent – State of Maharashtra in Bail Application No.4379 of 2024.
 - Mr. Balraj B. Kulkarni, APP for Respondent – State of Maharashtra in Bail Application No.4386 of 2024.
 - Mr. Mahendra Shinde, RCF Police Station, Mumbai.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 05, 2025

P.C.:

1. Heard Mr. Sayed, learned Advocate for Applicant; Ms. Bajoria, learned APP for Respondent – State of Maharashtra in Bail Application No.4379 of 2024 and Mr. Kulkarni, learned APP for Respondent – State of Maharashtra in Bail Application No.4386 of 2024.
2. These are Applications under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 (for short 'B.N.S.S.') seeking Bail in

connection with First Information Report No.318 of 2024 (for short '**FIR**') registered with R.C.F. Police Station for offences punishable under Sections 302, 452, 141, 143, 147, 149, 323, 504, 506(2), 120-B and 34 of the Indian Penal Code, 1860 (for short '**IPC**').

3. The incident in question has taken place on 11.05.2025. The final report is still awaited after more than six months. Applications for bail are filed by two out of four Accused and Mr. Sayed has argued that if the post-mortem report is seen at page No.98 it would be evident that there are no injuries on the body of the victim as stated in column No.10 thereof.

4. Perusal of post-mortem report clearly shows that only signs observed on the body of victim pertains to signs of his old wounds which were completely healed otherwise.

5. Mr. Sayed would put forth the submission that in so far the two Applicants before me are concerned they were not involved in the skirmish / scuffle which ensued at the incident spot. He would therefore persuade the Court to consider the case of Applicants on merits in view of the injuries of the victim stated in the post-mortem report as also, the Sections of IPC which are applied.

6. It is seen that indictment of Applicants is for offence punishable under Section 302 of IPC since the incident caused death of the victim but in so far causation of injuries is concerned, Section 323 of

IPC has been applied.

7. *Prima facie*, reading of the FIR and various statements do not attribute direct physical role of Applicants (both woman) before me in inflicting any physical injuries save and except it states that they both were abusive at the time of the incident.

8. Mr. Kulkarni and Ms. Bajoria, learned APPs appearing in twin Bail Applications would persuade the Court to consider letter dated 30.01.2025 addressed by the concerned Investigating Officer to the Director of Government Forensic Laboratory, Kalina, Mumbai calling for final report which is pending since May-2024. The final report is not placed before the Court. Director of Government Forensic Science Laboratory, Kalina, Mumbai is directed by this Court to ensure that said report shall be placed before the Court through learned APPs before the next adjourned date positively.

9. Copy of this order shall be informed and intimated to the Director of Government Forensic Science Laboratory, Kalina, Mumbai.

10. Stand over to **10th February, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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