

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

BAIL APPLICATION NO.4386 OF 2024

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

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- Mr. Taraq Sayed a/w. Ms. Ashwini Acharii and Mr. Anish Pereira, Advocates for Applicants in both Bail Applications.
 - 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.
 - PI – Mahendra Shinde, RCF Police Station, Mumbai.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 10, 2025

P.C.:

1. Heard Mr. Sayed, learned Advocate for Applicants in both Bail Applications; 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 present order shall dispose of both the Applications.

4. Bail Application No.4379 of 2024 is filed by Accused No.3. Bail Application No.4386 of 2024 is filed by Accused No.4. Accused No.3 is the mother of Accused No.4. In all there are seven Accused who are indicted. Accused No.1 is principal Accused as can be seen from case of prosecution and statement of witnesses which has been recorded.

5. Case against all seven Accused is under Section 302 of IPC and other provisions of IPC. The record shows that there are two incident spots. First incident spot is a public place which is the area next to railway line in Chembur. On 11.05.2024 between 06:00 to 06:30 p.m., First Informant was informed that all seven Accused were having a quarrel with victim and the victim was being beaten by them at first incident spot. First Informant a neighbour therefore rushed to the incident spot and saw that all seven Accused were beating victim. He intervened but he has stated that even he was beaten and thrashed by all of them. However he was able to break the scuffle and assist victim to reach his house in Jay Hind Nagar which was at distance of 150 feet from the said first incident spot. The second spot is the house

of victim namely a room, nomenclature and number of which is not described in panchanama but is described as a room admeasuring 12 X 10 foot having one more adjacent room admeasuring 8 X 10 foot.

6. Statement of witnesses which has been recorded who are witness to second incident appended at page Nos.49, 51 and 53 state that said room number in question may be room Nos.829 or 830 situated in Jay Hind Nagar, Opposite – Koyna Colony, Mahul Road, Vashi Naka, Chembur, Mumbai. When First Informant – Complainant was assisting and bringing victim home on the way, the relatives of victim met them and they all aided and assisted victim to be brought home. The victim was at his home when after some time the Accused persons rather all seven Accused came over to victim's house to continue with the quarrel.

7. Precursor to the first incident happens to be some enmity which happens to be recorded in the statement of witnesses between victim and Accused No.7. The first incident was a result of the same and when victim was in his house, Accused came to his house and continued with the quarrel. The statement of witnesses of near relatives of the victim which are referred to hereinabove clearly highlight the role of Accused No.1 – Kartik @ Babu Devendra and the manner in which he has inflicted fist blows on neck of victim after subjugating him inside his house. In so far role of other Accused are

concerned a general statement appearing in all three witnesses' statements of near relatives is on record that all seven Accused were involved in beating the victim.

8. After reading the statement of witnesses the definite and precise role attributable to Applicants before me is not specific. There is no doubt that pursuant to infliction of blows on the victim, victim has succumbed to his injuries subsequently. The entire second incident as can be seen and gathered from statement of witnesses and it clearly points out finger to the role of Accused No.1. Panchnama is appended at page No.96 of Bail Application No.4386 of 2024. It shows that death of victim has been caused due to infliction of blow and no weapon is used.

9. In so far Accused Nos.6 and 7 are concerned, they are not even named. Applicants before me are incarcerated since 11.05.2024. Considering the aforesaid statements of witnesses and case of prosecution, I am inclined to grant bail to both Accused persons before me namely Accused Nos.3 and 4 in view of their definite role borne out from statement of witnesses.

10. In view of the above, the Applicants are entitled to be enlarged on bail subject to following terms and conditions:-

- (i) Applicants are directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each

with one or two sureties in the like amount;

- (ii) Applicants shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for the first three months and thereafter as and when called;
- (iii) Applicants shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if they does so, it will entitle the prosecution to apply for cancellation of this order;
- (iv) Applicants shall not influence any of the witnesses or tamper with the evidence in any manner;
- (v) Applicants shall keep the Investigating Officer informed of their current address and mobile contact number and / or charge of residence or mobile details, if any, from time to time;
- (vi) Any infraction of the above conditions shall entail the prosecution to seek cancellation of this order.

11. The aforesaid observations are *prima facie* on the basis of record of the case which has been argued before me and is an expression of opinion by this Court only for the purpose of

enlargement of Applicants on bail and shall not influence the trial in the present case.

12. Bail Applications stand allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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