

**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI**

**CRIMINAL BAIL APPLICATION NO. 847 OF 2019**

**C.R. NO. 178 OF 2019.**

**CNR NO. : MHCC02-005255-2019**

Fardeen Tanveer Sayyed ]  
aged : 19 years, Occu- Business, ]  
R/at : Chawl No.3, Room No.6, ]  
BSH Compound, Near Jama Masjid, ]  
Bandra (W), Mumbai – 50. ] ... Applicant/Accused.

**Vs.**

The State of Maharashtra ]  
(Bandra Police Station) ] ...Respondent.

***Appearances :-***

Mr. Hussain Shaikh, Ld. Advocate for the Applicant.

Ms. Geeta Nayyar, Ld. A.P.P. for Respondent/State.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,  
SHRI NANDKISHOR L. MORE  
(C.R.NO.56)**

**DATED : 9<sup>th</sup> MAY, 2019.**

**( O R A L O R D E R )**

***(Dictated and pronounced in the open Court)***

This is an application for grant of regular bail in C.R. No.178/2019 registered with Bandra Police Station for the offences punishable under Section 307, 324, 147, 148, 149, 323, 506, 504 r/w 34 of the Indian Penal Code. Accused is in judicial custody since 8.03.2019.

2. According to Prosecution on 02.03.2019 at about 0.30 a.m. when the First Informant and his friends Gurunihal Singh and Shakti

Singh were enjoying the party at Sukhasa Pub, Bandra, Mumbai. There quarrel had taken place between the First Informant and one unknown person. The friend of the First Informant, Gurunihal Singh and Shakti Singh came forward to pacify the said unknown person but he got annoyed, then his two friends came there and started assaulting the First Informant and his friends. In the said scuffle said unknown person had broken the beer bottle and gave blow of it on the neck of Gurunihal Singh with intention to kill him thereby Gurunihal Singh sustained grievous injury, he was taken to Lilavati Hospital. Thereafter 3 assailants were brought to Police station. In the police station name of assailant who gave blow of broken beer bottle on the neck of Gurunihal Singh revealed as Fardeen Tanveer Sayyed, present applicant, resident of Bandra (West), Mumbai and the name of his friends revealed as Mushek Qureshi, Ahemad Memon, a resident of Bandra (West), Mumbai.

3. Prosecution by filing the reply contested the application. It is submitted that the applicant has committed the serious offence. The CCTV footages of scuffle collected by the Investigating Officer reveals the complicity of this applicant in the crime. Ld. APP for the State submitted that in TI Parade the injured Gurunihal Singh and first informant Saksham Jatiya have identified the present applicant and assigned role that he broken the glass bottle and dealt blow on the left cheek of Gurunihal Singh. If the accused is released on bail, he will tamper the prosecution evidence and will flee from the justice.

4. It is submitted on behalf of applicant that the first informant wrongly inform the police that applicant was the person who allegedly inflicted knife blow on the neck of injured Gurunihal Singh.

Since the CCTV Footages shows that the knife blow has not been inflicted at the instance of the applicant. The case of applicant stands on a better footing than the case of co-accused who have been released on bail by this Court. Therefore, applicant prayed to release him on bail on the ground of parity.

5. It appears that this applicant and his friends were brought to the police station immediately and the First Informant has identified the present applicant and his friends in the Police station. Though the name of present applicant is appearing in the FIR but the injured Gurunihal Singh in his statement assigned the role to him was that he assaulted him on his cheek by broken glass bottle. The first informant wrongly assigned role to the applicant that he assaulted the Gurunihal Singh on his neck. The inconsistency in the statement of injured Gurunihal Singh and the first informant can be seen at the time of trial.

6. The injured Gurunihal Singh has sustained following injuries :-

- 1) CLW On the neck (anterior aspect) 10 cm x 3 cm x 2 cm and
- 2) Small CLW on left cheek, 2 cm x 1 cm x 0.5 cm

7. It appears that the present applicant was present at the spot of occurrence of incident, in the scuffle he broken the glass bottle and attempted to hit the Gurunihal Singh on his vital part of body but it was missed. If the applicant had succeed to dealt blow on vital part of the body of the injured Gurunihal Singh he would have died. Though the incident happened in the spur of moment but the weapon used by the

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applicant in committing the crime was dangerous, blow of which could have resulted in the death of grievous hurt to the injured. The blow given by the applicant with intention to cause death of injured which prima facie sufficient to constitute offence of Section 307 of IPC. The Investigating Officer is yet to file charge-sheet against the applicant. In the facts and circumstances at this stage it is not desirable to release accused on bail. Hence I proceed to pass following Order:

**ORDER**

1. Criminal Bail Application No.847 of 2019 is hereby rejected
2. Criminal Bail Application No.847 of 2019 stands disposed off accordingly.

Date : 9.05.2019.

[N. L. MORE]  
**ADDITIONAL SESSIONS JUDGE  
GREATER MUMBAI**

Dictated on : 09.05.2019.  
Typed on : 09.05.2019.  
Singed by HHJ on : 10.05.2019.

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Criminal Bail Application No. 847/2019.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL  
SIGNED JUDGMENT/ORDER.”

9.05.2019, 2.55 p.m.

Mrs. Prajwala V. Phodkar

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

|                                          |                                                       |
|------------------------------------------|-------------------------------------------------------|
| Name of the Judge (With Court room no.)  | <b>SHRI NANDKISHOR L. MORE<br/>(Court Room No.56)</b> |
| Date of Pronouncement of JUDGEMENT/ORDER | 9.05.2019                                             |
| JUDGEMENT/ORDER signed by P.O. on        | 10.05.2019                                            |
| JUDGEMENT/ORDER uploaded on              | 10.05.2019                                            |