

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2697 OF 2014

Dinesh Ramvilas Sharma

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Shailendra Mishra, Sharad Rai i/b ARM Legal for Applicant
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : DECEMBER 22, 2014

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 04/11/2014 in crime no. 312 of 2014 registered at Meghwadi Police Station on 04/11/2014 for offence punishable under section 304 of Indian Penal Code.

2) It is the case of prosecution that on 04/11/2014, Vikaskumar Lallan Sharma lodged a report at the police station on 03/11/2014, there was a dispute of altercation between his father Lallan Sharma and present applicant who happens to be younger brother of Lallan Sharma. It is alleged that brothers were quarreling over family property. In the course of altercation, it

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is alleged that present applicant had pushed his elder brother. He fell on the ground and became unconscious. He was taken to the hospital, where he was declared dead.

3) Perused post mortem notes. Coloumn no. 17 shows that there were multiple abrasions over left forearm posteriorly and abraded contusion over nose. There are no internal injuries as is revealed in coloumn no. 19. The opinion as far as cause of death is concerned is reserved. Perused the statement of the eye witness who happens to be daughter of the deceased. She has specifically stated that applicant had pushed her father and that he had also assaulted him with his fists. That her father fell on the ground and had become unconscious.

4) Prima facie, it appears that incident has occurred on the spur of the moment. Assailant and the deceased happened to be real brothers. There was no intention, nor knowledge that the deceased would succumb to the fall. Offence is registered under section 304 of Indian Penal Code. Taking into consideration papers of investigation and the submissions advanced across the

bar, applicant has made out prima facie case for grant of bail.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on four consecutive Sundays between 10.00 am to 12.00 noon, commencing from 28/12/2014.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)