

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

CRIMINAL BAIL APPLICATION NO. 1364 OF 2015

Mr. Laxman Yeshwant Babar ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Shekhar Ingawale for the Applicant
Mrs. R.V. Newton, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No. 27 of 2015. The said case arises from Crime No.216 of 2014 registered with Vita Police Station for the offence punishable under Section 302, 201, 176 r/w. 34 of the Indian Penal Code.

2. Mr. Ingawale, the learned counsel for the applicant has stated that the applicant is the brother of the deceased and that the incident had occurred at the spur of the moment. He has stated that there is

no criminal antecedent and that the applicant had no intention of causing death of his brother. He has stated that the applicant is an agriculturist and that considering the circumstances in which the crime was committed, the applicant be released on bail.

3. The learned APP has opposed the same on the ground that the applicant had inflicted blows of stick on the deceased and after his death performed the funeral with informing the police, the offence is of serious nature, and as such the applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The records prima facie reveal that the deceased who is the brother of the applicant had expired on 14.11.2014. The death of deceased Ramchandra was not reported to the police station, on the contrary he was taken to the hospital and it was reported that he had sustained injuries in the accident. The said deceased was cremated on the same day without reporting the matter to the police. The police had received the intimation about the said incident on 18.11.2014, pursuant to which the matter was enquired into and subsequently investigated, when it was revealed

that on 14.11.2014 there was quarrel between the applicant and his brother (deceased). The material on record also prima facie reveals that the applicant had inflicted blow of stick on the head of the deceased and that the deceased had expired as a result of the head injuries. There is no prima facie material to show that the deceased was armed with any weapon or that he had tried to assault the applicant herein. Considering this aspect, as also considering that the applicant had inflicted several blows on the vital part of the body of the deceased, in my considered view prima facie exception 4 of the section 300 would not be applicable to the facts of the case.

5. The witnesses are mainly the family members and the neighbors of the applicant. If the applicant is released on bail at this stage, there is every possibility of the applicant tampering with the evidence and interfering with the witnesses. Thus release of the applicant on bail will hamper the trial.

6. In the circumstances, and in view of the discussion supra, the applicant is not entitled for bail. The bail application is dismissed.

(ANUJA PRABHUDESSAI, J.)