

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

CRIMINAL BAIL APPLICATION NO. 108 OF 2015

Suresh Irappa Kamble	.. Applicant
V/s.	
The State of Maharashtra	
(Through Faraskhana Police Station)	.. Respondent

Mr. Sangramsingh Bhonsle for the applicant.
Smt. P.P. Shinde, APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 27th February, 2015.

P.C.

1. Heard.

2. This is an application under section 439 of Criminal Procedure Code. The applicant herein was arrested on 20th June, 2014 in Crime No. 115/2014 registered at Faraskhana Police Station for offence punishable u/s. 302,323 and 504 of Indian Penal Code. The investigation is completed and chargesheet is filed.

3. It is the case of the prosecution that on 11th June, 2014 Narayan Akolkar, the watchman of Shrikrushna Talkies, who was on duty, had noticed that one person namely Santosh Sawant, who used to usually sleep in the premises of Shrikrushna Talkies, had come under the influence of alcohol and was abusing. At that time, Kashinath Jawale requested the watchman to drive away Santosh. Narayan made his best efforts to give an understanding to Santosh. However, he continued to hurl abuses. The watchman therefore,

called upon the present applicant and requested him to give an understanding to Santosh. There was an altercation between the present applicant and Santosh. Narayan then noticed that Santosh Sawant was hurling abuses at the present applicant. And therefore the applicant was constrained to use physical force against Santosh. Thereafter, in the said altercation Santosh Sawant had expired on 12th June 2014. Police were summoned by one of the employees of the Shrikrushna Talkies. Thereafter, A.D. No. 45/2014 was registered. In the course of investigation, it was revealed that the deceased Santosh Sawant had died in the said altercation with the present applicant and thereafter, PSI Vijay Koli lodged report at the Police Station alleging therein that the present applicant is responsible for the death of Santosh Sawant. The statement of the applicant was also recorded.

4. Perused the papers of investigation. It prima facie appears that the applicant had no motive nor intention to cause death of Santosh Sawant. The incident had occurred on the spur of moment. It is not the case of the prosecution that the applicant was armed with any weapon. Learned counsel for the applicant submits that it is the case of grave and sudden provocation. However, investigation is completed and chargesheet is filed. Hence, the applicant has made out a case for grant of bail.

5. The observations made herein are prima facie in nature. The same shall not be considered while deciding the application for discharge or for quashing of FIR or at the time of trial.

6. Hence following order is passed :

ORDER

- (i). The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on first Sunday of each month till the conclusion of the trial.

(SMT. SADHANA S. JADHAV, J.)