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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.276 OF 2015

Justin Richard Jems

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr. Satyavrat Joshi for the applicant.

Mr.J.H.Ramugade, A.P.P. for the respondent-State.

CORAM : MRS.MRIDULA BHATKAR, J.

DATED : 20TH JULY, 2015

P.C. :-

1. This application is made for bail. The applicant-accused is facing prosecution under section 302 read with 34 of the Indian Penal Code in C.R. No.127/14 of Khadki police station which was registered at the instance of Ashok Ganpat Salvi on 22nd May, 2004. It is the case of the prosecution that applicant and his associates Amin and Manoj on the night of 18th May, 2014 were consuming liquor. At that time, there was sudden verbal altercations between Prakash Suryavanshi and these three persons. Suddenly, the associates Amin and Manoj started hitting Prakash with hands and stones. The present applicant-accused also assaulted with hands. Prakash succumbed to the injuries on 19th May, 2014 and thereafter the offence was registered against the applicant-accused. The

applicant-accused was arrested on 22nd May, 2014. Hence this bail application.

2. Learned counsel for the applicant-accused submitted that the role attributed to the applicant-accused is that he assaulted the deceased with hands. It was a sudden fight between the applicant-accused, co-accused and the deceased. Learned prosecutor opposed the application submitting that it is a case of pre-mediated murder. He submitted that considering the statements of the informant and the post mortem notes, the bail should not be granted to the applicant-accused.

3. Perused the FIR. It appears that the incident had taken place out of a sudden quarrel. It is not a pre-mediated plan. The FIR discloses that the applicant-accused assaulted the deceased with hands. In the post mortem, the cause of death is mentioned as head injuries and viscera was preserved. Considering the allegations made and the cause of death and considering the period for which the applicant-accused is detained in prison, I am inclined to grant bail. Hence the order.

- (i) The applicant be released on bail on his furnishing PR bond in the sum of Rs.30,000/- with one or more sureties in the like amount;

- (ii) The applicant shall not tamper with the evidence or the harass the witnesses;
- (iii) The Applicant shall furnish his residential address (es), cell phone number(s), land-line number(s) to the investigating officer.
- (iv) The applicant to attend the Court dates regularly.

(MRS.MRIDULA BHATKAR, J.)