

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.395 OF 2015

Shyam Vilas Sakat

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.K.S. Patil i/b P.S. Hagare for the Applicant
Ms.R.V. Newton APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 18, 2015**

P.C.:

1. This is an application moved for bail as the applicant/accused is facing charges under sections 302, 307, 354, 325 of the Indian Penal Code in C.R. No.528 of 2014 registered with the Baramati City police Station, Baramati, Pune. It is the case of the prosecution that the deceased Bharat died on 18.11.2014 at Sassoon hospital. He was admitted in the hospital on 12.11.2014. It is a case of the prosecution that on 6.10.2014 at night, there was quarrel between the applicant/accused Shyam and the deceased Bharat. The applicant/accused Shyam had misbehaved with one witness Chaya. Thereafter at night, the applicant/accused assaulted the deceased Bharat. It was reported to the police and the police registered N.C. under sections 323, 504, 506 of the Indian Penal Code against the applicant/accused on 7.10.2014.

Thereafter he died on 18.11.2014. The FIR was given on 14.11.2015 by Gangubai wife of Bharat as Bharat had complained about stomach ache and was admitted in the hospital. The learned Counsel for the applicant/accused has submitted that the deceased as per the post mortem notes, died due to 'septicemia due to perforative peritonitis'. He submitted that the applicant/accused was arrested on 15.11.2014. He has not committed the murder of the deceased and seeks bail.

2. The learned Prosecutor opposed the application.

3. On perusal of the statement of the witness and the FIR, so also after going through the post mortem notes, it appears prima facie that the cause of death was Septicemia due to perforative peritonitis. Considering this, the fight which has taken place on 6.10.2014, cannot be considered as a direct cause of death. Therefore, the applicant/accused is entitled to bail. Accordingly, the bail application is allowed on the following terms and conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence or witnesses;

- iii) The applicant shall not indulge into any kind of offence while on bail;
- iv) The applicant shall not leave India without the permission of the local police station.

(MRS.MRIDULA BHATKAR, J.)