

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

BAIL APPLICATION NO.971 OF 2015

Mr. Manish Milind Mohite.	...Applicant.
vs.	
The State of Maharashtra.	...Respondent.

Mr. Ashwin Thool i/by Mr. R.R. Karande for Applicant.
Ms. P.P. Shinde, APP. for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 14 JULY 2015**

PC:

Heard.

2) This is an application under Section 439 of the Cr.P.C. The applicant herein is arrested on 24.10.2014 in Crime No.286/2014 registered at MRA Marg Police Station under Section 302 of the I.P.C. It is the case of the prosecution that on 23.10.2014 the complainant lodged report at the police station alleging that on 9.10.2014 at about midnight he heard groaning of one person in the compound of his building. He rushed to the spot. He saw his father Mahendra lying in the pool of blood. He tried to wake up but to no avail. Then one Digvijay and Rajesh Mohite had taken the injured to the St. John Hospital. On 13.10.2014, the injured has succumbed to the injuries. Subsequently the complainant learnt from the residents in the said

locality that the present applicant was on the terrace of the building and he was under the influence of alcohol. He was not in the building on that day. The people were trying to catch him. However, he resisted the same violently. He had told the people that they shall not try to catch him else he would push them in the same manner in which he had pushed Mahendra Sakpal. The residents had immediately left him free. The first informant then made further enquiry and had learnt that the present applicant has caused homicidal death of his father by pushing from terrace. The investigation is completed and charge sheet is filed.

3) Learned counsel for the applicant submits that no motive is attributed to the present applicant for causing homicidal death of deceased Mahendra. It is further submitted that besides the statement of the complainant, there is no corroborative material whatsoever even to remotely indicate that the present applicant had caused homicidal death of the deceased.

4) Upon perusing the papers of investigation, it appears that the applicant and the deceased were well acquainted with each other. The sister of the deceased has disclosed that there was a quarrel between the applicant and her brother on account of payment for the liquor which they have purchased. At the time of incident also when the police had come they had informed that the present applicant was on the terrace for quite some time . The

disclosure made by the applicant to the residents of the building is in the nature of extra judicial confession prior to registration of the offence. It is a voluntary statement. In view of this, the applicant does not deserve grant of bail. Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)