

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1737 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Mr. Aamir Shaikh i/by Y.P. Narvankar for the Applicant.
Ms.S.D.Shinde, APP. for the State.
Mr.K.D.Katkar, SR.P.I. Shill Diaghar Police Station present.

CORAM : A.S.GADKARI, J.
DATE : 4th December 2015

P.C.

The applicant is seeking bail in CR NO.68/2015 registered with Shill Diaghar police station, Thane under section 302 and 504 of the I.P.C.

2) The complainant Smt. Najma Asgar Khan had lodged FIR on 24.3.2015 at about 8.30 a.m. That her husband namely Asgar Khan along with her brother- in-law Raja and the applicant Amir Sayyad were having their dinner in the house at about 1.00 to 1.30a.m. on 23.3.2015. At that time they were consuming liquor. That, under the influence of liquor her husband told the applicant that he came

to know that his (Amir's) wife has doubtful character and he (Amur) should explain her. Because of the said statement, the applicant got provoked and started giving abuses and also assaulted Asgar by fist and kick blows. The applicant gave fist and kick blows on the stomach and private part of the said Asgar. That, after the complainant intervened in the scuffle and pacified the applicant, he stopped beating the said Mr. Asgar. At bout 6.00'O clock in the morning Asgar felt paining in his stomach and therefore, complainant took him at Vashi Hospital for medical treatment. The doctors present in the said hospital asked the complainant to transfer her husband to J.J. Hospital for further treatment. She thereafter admitted her husband in J.J. Hospital at about 10.30p.m. On 24.3.2015, her husband Asgar expired while taking the treatment in J.J. Hospital.

4) The record discloses that the said Asgar was admitted in J.J. Hospital. The police attached to JJ Marg Police Station recorded his statement wherein deceased Asgar has stated that due to some altercation scuffle took place and the said scuffle consequently resulted into beating of Asgar. The

applicant beat the said Asgar by kicks and fist blows on his stomach. The post mortem report indicates the cause of probable death as has been mentioned in the post mortem report “ Death due to traumatic perforative peritonitis” (unnatural). A perusal of the FIR and the statement given by the deceased Asgar to the police of J.J.Marg Police Station discloses that because of the information given by the deceased the applicant was provoked and due to the said sudden provocation the applicant assaulted the deceased by fist and kick blows The FIR further states that after the complainant intervened in the said quarrel or scuffle the applicant stopped beating the deceased. The injured thereafter was admitted to the hospital and died after the period of about 18 hours. In view of the above, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

a) The applicant be enlarged on bail in CR No.68/2015 registered with Shill Daighar Police Station, Thane on his furnishing PR bond of

Rs.20,000/-with one or two solvent sureties in the like amount.

b) After his release from Jail the applicant shall attend the Shill Daighar Police Station, Thane on every first Monday between 10.00 and 12.00 noon till the conclusion of the trial.

c) The applicant shall give his documents of residential address along with phone no. to the Shill Daighar Police Station, Thane.

d) The applicant shall not tamper with and or influence the prosecution witnesses.

e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)