

Sequeira

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

CRIMINAL BAIL APPLICATION NO.2007 OF 2015

Shri Shubham Sunil Shikhare.

...Applicant

Versus

The State of Maharashtra.

...Respondent

.....

Mr.Vijay Killedar, for the Applicant.

Mrs.Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 19th NOVEMBER, 2015.

P. C. :

This is an application for bail by the aforesaid Applicant who has been arrested in C.R No.63 of 2015 registered at Solapur police station for offences under sections 302, 323, 504 r/w section 34 of Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. Perused the records. Considered the submissions advanced by the learned counsel for the respective parties. The FIR prima facie reveals that on 14th May 2015 while the Complainant

and her family members were travelling from Solapur-Pune passenger train, one boy entered the Compartment. There was some altercation between the said boy and the Complainant's family members over the reservation of the seat in the said compartment. The said boy thereafter called the Applicant and another person by name Mangalsingh and it appears that there was a fight between two groups in the course of which one of the persons gave a fist blow on the head of Mallikarjun, the nephew of the Complainant. The said Mallikarjun expired as a result of the said head injury. Post mortem report reveals that said Mallikarjun had a contusion of 4 cms. x 2 cms. in size on the parietal region and on occipital region. He had expired as a result of the head injury.

3. The incident as disclosed in the FIR does not indicate that the offence was pre-meditated but reveals that the incident had occurred on the spur of the moment. The material on record does not prima facie indicate that the Applicant had intention of causing the death. Prima facie the offence under section 302 is not attracted. Considering the above facts and also considering the

fact that the investigation is completed, the charge-sheet is already filed and is registered as C.C No.74 of 2015 before Judicial Magistrate F.C -Railway Court, Daund, Pune, in my view the Applicant is entitled for bail.

4. Hence, application for bail is granted on condition that Applicant shall furnish bail bond to the tune of ₹25,000/- (Rupees Twenty Five Thousand only) with two sureties in the like amount to the satisfaction of Judicial Magistrate F.C – Railway Court, Daund Pune. The Applicant shall not tamper with the evidence and shall not interfere with the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)