

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1529 OF 2015

Pandurang Bhimrao Harihar	... Applicant
v/s	
The State of Maharashtra	... Respondent

Mr Rahul S. Kate for Applicant.
Mr Y.M. Nakhwa, APP for State.

CORAM: SMT ANUJA PRABHUDESAI J.

DATE : 19TH NOVEMBER 2015

P.C. :-

1. The Applicant has sought anticipatory bail apprehending his arrest in C.R. No.112 of 2015 for offence punishable under section 302 of IPC.

2. Heard learned counsel for the Applicant. He has submitted that the crime was initially registered under sections 279, 304(A) of IPC and subsequently the offence was altered to section 302 of IPC based on the supplementary statement given 15 days

after the date of the incident. The learned counsel for the Applicant has submitted that the applicant is not involved in commission of offence alleged and his presence is not required in the custody for investigation and interrogation.

3. The learned APP has submitted that the statement of the independent witness prima facie reveals that it was not the case of accidental death but it was a homicidal death. He submitted that the offence is of serious nature and that the presence of the Applicant is required for investigation and interrogation. I have perused the record and considered the submissions advanced by the learned counsel for the respective parties.

4. The record prima facie reveals that on 11th August 2015, pursuant to the FIR lodged by the son of the deceased, C.R. No.112 of 2015 was registered for offence under sections 279, 304(A) of IPC and sections 184, 134, 177 of Motor Vehicle Act. The record further reveals that on 26th August 2015 the complainant gave a supplementary statement stating that on 10th August 2015 at about

10.00 a.m. the Applicant came to the house of the deceased under the influence of liquor and tried to give coconut water in glass to the deceased and deceased refused to drink water and threw away the glass and asked the applicant not to come to his house under the influence of liquor. Thereupon the Applicant had threatened to caused his death. The statement of one of the eye-witness also prima facie reveals that at the time of incident, the deceased was sitting under the tree by the side of the road and on seeing the deceased the applicant had taken the tractor towards him and crushed him. The material on record prima facie reveals commission of offence under section 302 of IPC. The offence is of serious nature and needs to be investigated thoroughly. Hence, in my considered view, the Applicant is not entitled for anticipatory bail. The Application is, therefore, dismissed.

(SMT ANUJA PRABHUDESAI J.)