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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 889 OF 2016

Rakesh Pratap Tejnarayan Singh

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Prakash L. Shetty for applicant.

Ms. N.S. Jain, APP for State with Arun Hajare, PSI, Amboli Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 6th September 2016.

P.C.

1 This is an application for bail under Section 439 of Cr. P.C. The applicant is seeking bail in CR No.409 of 2015 registered with Amboli Police Station, Mumbai under Sections 302, 201 of the Indian Penal Code.

2 It is the prosecution case that the deceased Smt. Mukta Singh was the wife of the applicant. That there were disputes and quarrels between the deceased Smt. Mukta Singh and the applicant. The deceased had informed the said fact to her sister namely Smt. Mamta Singh. That on 28.12.2015 the deceased was found unconscious in her bed-room with

grievous injury to the temporo-parital region. That the deceased succumbed to the said injury while undergoing treatment in the hospital on 28.12.2015. The first information report is lodged by Shri Chandrakant Dethe, Police Sub Inspector then attached to Amboli Police station on 30.12.2015. During the course of investigation, the police recorded the statements of various witnesses including son and daughter of the deceased. After receipt of relevant documents/reports from various authorities, the police have submitted chargesheet.

3 Heard the learned counsel for the applicant and the learned APP. I have also perused the entire chargesheet annexed to the present application.

4 It is to be noted here that the statement of the son of the applicant namely Master Shivendraprasad aged five and half years is recorded by the police immediately after the alleged incident on 29.12.2015 wherein he has not made any aspersion against the applicant. The second statement of the said son has been recorded by the police on 4.1.2016 wherein he has stated that there was scuffle between the applicant and the deceased. The statement of the daughter of the applicant aged four years has also been recorded on 4.1.2016 wherein she has not attributed any role to the applicant about the alleged incident. It is the defence of the

applicant that, while cleaning the cupboard, it failed on the person of the deceased and due to the same it caused injury on the temporal region of the head. The Medical Officers have opined that the cause of death was “Shock due cranio-cerebral injuries (unnatural)”.

5 Prima facie, it appears from the record that the possibility of sustaining injury of the deceased due to falling of the cupboard, cannot be ruled out. In view of the above, the applicant has made out a case for his releasing on bail.

6 Hence, the following Order;

(i) The applicant be released on bail in CR No.409 of 2015 registered with Amboli Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or more solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Amboli Police Station once in three months i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m. till completion of trial.

(iii) The applicant shall attend all the dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the

aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)