

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

**CRIMINAL BAIL APPLICATION NO.958 OF 2016
IN
SESSIONS CASE NO.44 OF 2016**

Sumit Anant Jadhav	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

.....
Mr. Eknath Sawant, Advocate for the Applicant.
Mr. H. J. Dedhia, APP for the Respondent – State.
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**CORAM : P.D. NAIK, J.
VACATION COURT**

DATED : MAY 13, 2016.

P.C.

The applicant is arrested on 29th September, 2015 in connection with CR No.392 of 2015 registered with Ghatkopar Police Station for the offences punishable under Sections 302, 141, 143, 147, 149, 323 and 504 of the Indian Penal Code.

2 It is the case of the prosecution that the informant and others are members of Navyuvak Krida Mandal. On the date of incident the procession of Ganesh immersion was in progress. At that time, there was a quarrel between the members of the

aforeasid Mandal and the opponent Mandal namely Gaodevi Mandal. It is alleged that on 27th September, 2015, the deceased was assaulted in the midst of the quarrel between the two groups by kicks and fist blows. It is further alleged that Nikhil Satve succumbed to the injuries. Hence, First Information Report (FIR) was registered.

3 The applicant is 19 years old boy. He is a student of Engineering and studying in K. J. Somaiya Polytechnics College. It is pointed out by the learned counsel appearing for the applicant that he is appearing for Engineering examinations which are commencing from 16th May, 2016.

4 The learned counsel appearing for the applicant submitted that taking the allegations in the FIR as it is, no case is made out for any offence punishable under Section 302 of the Indian Penal Code. It is submitted that the dispute had arisen between two groups and there was no intention to kill Nikhil Satve (deceased). It is further submitted that the incident had occurred at the spur of moment.

5 I have gone through the FIR and the other

documents. The investigation is completed and the charge-sheet has been filed. The accused is a young boy who is a student of Engineering. The submission of the learned counsel appearing for the applicant is that the offence punishable under Section 302 of the IPC is not made out, is well founded. It is pertinent to note that no weapon was used in the alleged assault. The learned APP was asked if there are any antecedents against the applicant. On instructions, it is submitted by the learned APP that there are no antecedents against the applicant. However, he submitted that in the event of grant of bail, condition of reporting the Ghatkopar Police Station may be imposed upon the applicant. It is submitted by the learned counsel appearing for the applicant that the Engineering examination as stated above will be commenced on 16th May, 2016 and it will come to an end on 28th May, 2016.

6 In view of the aforesaid circumstances, I am inclined to pass the following order:

:: ORDER ::

- (i) The applicant is released on P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount;

- (ii) Since the applicant is appearing for the Engineering examination which starts from 16th May, 2016, for a temporary period of six weeks from today the applicant is permitted to be released on furnishing cash bail in the sum of Rs.20,000/- (Rupees Twenty Thousand). The applicant is directed to furnish the surety/sureties before the expiry of the period of six weeks;
- (iii) The applicant is directed to attend the concerned Ghatkopar Police Station after examination is over on first Sunday of every month between 10.00 a.m. to 12.00 noon;
- (iv) The Application is disposed of;
- (v) Parties to act upon an authenticated copy of this order.

(P.D. NAIK,J.)