

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

CRIMINAL BAIL APPLICATION NO. 24 OF 2017

Neerajsingh Tribhuvansingh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Solkar Mohammed Amin Haroon for the Applicant

Mr. Prashant Jadhav, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 189 of 2016 registered with the Ambad Police Station, for the alleged offences punishable under Sections 302, 307, 504 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that taking the prosecution case as it stands, the applicant at the highest would be liable for an offence punishable under Section 304(II) of the IPC. He submits that the allegations against the applicant is that he along with others assaulted the deceased with fist and kick blows. He further submitted that there is nothing to show that the applicant was the person who drove the tempo car on the deceased.

4. Learned A.P.P opposed the bail application.

5. Perused the papers. The incident has taken place on 15th July, 2016. According to the prosecution, the applicant along with others were sitting with Arjun Waghela (deceased) and were consuming liquor in the room of the co-accused Vibhulikumar Singh. It appears that deceased Arjun uttered certain bad words, as a result of which, he was assaulted by the applicant and others. Pursuant to the assault, the deceased started bleeding. Thereafter, the deceased was dragged out of the room and thereafter the applicant along with others drove the tempo on his person and fled.

6. The deceased has sustained grievous injuries. The cause of death is stated to be “*Cranial-Cerebral damage due to blunt trauma to head which is sufficient to cause death in ordinary course of nature. All injuries are antemortem in nature, caused by blunt trauma.*” It appears that after the deceased was given fist blows, the applicant along with other co-accused drove the tempo vehicle on his person and thereafter fled away. Whether or not, the applicant was driving the said vehicle, is immaterial.

7. Considering the overall facts of this case, the applicant does not deserve to be enlarged on bail. The application is rejected. However, the trial is expedited.

8. It is made clear that if the trial, for no fault of the applicant, does not conclude within a reasonable period, the applicant is granted liberty to file a fresh application for bail.

9. The application is accordingly disposed of with liberty as aforesaid.

REVATI MOHITE DERE, J.