

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1020 OF 2017

Avdesh Raghunandan Singh	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Pradyumna Waghmare for Applicant.
Mr.Amit Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 18th July 2017

PC :

1. The Applicant is seeking bail in connection with CR No.107 of 2017 registered with MIDC Police Station, Andheri, Mumbai for offences punishable under Sections 304 and 336 of Indian Penal Code. The Applicant was arrested on 22nd March 2017.

2. The prosecution case is that the informant is working with Checkmate Security Private Limited Company as a security officer. On 22nd March 2017, the informant was on duty as a security officer at Kotak Mahindra Currency Room, MIDC, Andheri. Seven other security guards were also appointed on security duty. At about 11.00 a.m. the custodian of Checkmate Security Pvt.Ltd. informed the security guards to get ready to join the bank vehicle. At that time, the Applicant-accused was loading his double barrel gun and suddenly there was a firing from the gun, resulting into bullet injury to other guard Radhamohan Singh, who was standing in front of the Applicant. The injured succumbed to the injury when he was taken

to hospital. Pursuant thereto, the first information report was registered.

3. The Applicant preferred an application for bail before the Sessions Court, which has been rejected vide order dated 11th April 2017 on the ground that investigation is in progress.

4. Learned advocate for the Applicant submitted that the Applicant is in custody from 22nd March 2017. During pendency of this application, charge sheet has been filed against the Applicant for offences under Sections 304 and 336 of Indian Penal Code. It is submitted that the incident had occurred accidentally and there was no intention of causing injury to the deceased. It is submitted that the fire arm has been recovered by Police.

5. Learned APP submitted that the Applicant should have been cautious of the fact that the deceased was standing in front of him and ought to have taken due care and precaution while loading the gun. It is submitted that there was negligence on the part of Applicant, which has resulted in death of the deceased.

6. Taking the prosecution case as it is, it is apparent that there was a mis-firing from the gun while the gun was being loaded. The incident had occurred accidentally. There was no intention to commit the alleged act, which has resulted in death of the deceased. The Applicant has been in custody since the date of arrest and on completing the investigation the charge sheet has been filed. In the circumstances, bail can be granted.

(7) Hence, I pass following order :

ORDER

- (i) Bail application No.1020 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.107 of 2017 registered with MIDC Police Station, Andheri, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount,
- (iii) The Applicant is directed to report the investigating officer of MIDC Police Station, Andheri, Mumbai, once in a month on every first Saturday between 11.00 a.m. and 1.00 p.m;
- (iv) The Applicant shall not tamper with the evidence;
- (v) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST