

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1799 OF 2017**

Munna Khalil Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Raviraj R. Parmane for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

API Mr. Rajendra Galande, from APMC Police Station, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 15th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-167 of 2017 registered with the APMC Police Station, for the alleged offence punishable under Section 302 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the quarrel took place on the spur of the moment and that there was no intention to cause the death of the deceased-Umer. He submitted that the applicant is alleged

to have assaulted Umer (deceased) with fist and kick blows. He submits that investigation is complete and charge-sheet is filed.

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

5. Perused the papers. The incident took place on 11th June, 2017. It appears that a quarrel took place between the applicant and Umer (deceased), brother of the complainant-Zubair Shaikh. It is alleged that in the verbal quarrel that ensued between the two, the applicant gave fist blows on Umer's abdomen. Thereafter, persons who were gathered on the spot pacified the applicant and Umer. Thereafter, Umer was taken to the nearby hospital as there was pain in his abdomen. After preliminary treatment, Umer was sent to home. On the next date i.e. on 12th June, 2017 at around 12:30 p.m., the complainant received a call informing him, that Umer was not well and was vomiting. The complainant has stated that he went to Umer's house and found him unconscious, pursuant to which, he called the police and an ambulance. On being taken to the hospital, Umer was declared dead. It appears that Umer died because of the internal bleeding in his stomach. The post-mortem report column 17 shows that

Umer had sustained no external injury. The cause of death is stated to be haemoperitoneum with splenic rupture. Investigation is complete and charge-sheet is filed. The applicant has no antecedent.

6. Considering the manner in which the incident took place and the fact that investigation is complete and charge-sheet is filed, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall not leave the jurisdiction of Maharashtra State, without the permission of the trial Court;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) The applicant shall file an undertaking in the trial Court with regard to clauses (ii) to (vi), within two weeks of his release;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.