

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO. 1774 OF 2016**

Sushant Suresh Lakhani

.... Applicant/Accused

Versus

State of Maharashtra  
through Mulund Police Station, Mumbai.

.... Respondent

Mr. Niteen Pradhan i/by. Patil Associates for Applicant/Accused.  
Ms. J.S.Lohokare, APP for Respondent/State.  
Mr. Divakar B. Shelke, PI, Mulund Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J.**  
**DATE : 16TH JANUARY, 2017.**

**P.C.**

1. Heard. This is an application under Section 439 of the Code of Criminal Procedure. The applicant herein is arrested on 13<sup>th</sup> August, 2015 in Crime No. 363 of 2015 registered at Mulund Police Station, initially for offence punishable under Sections 307, 506(2), 504 read with Section 34 of Indian Penal Code.

2. The injured Pravin Jadhav was taken to the Municipal Corporation Hospital, where the injuries were sutured and thereafter he was taken to a private hospital, where he succumbed to the

injuries and hence charge sheet is filed under Section 302 of Indian Penal Code. It is the case of the prosecution that on 10<sup>th</sup> August, 2015 Maria Joseph lodged a report at Police Station alleging therein that on 9<sup>th</sup> August, 2015 Pravin Jadhav had been to the house of Maria, at that time Balu Sasane, Sushant Lakhan (i.e. the present applicant) and Rakesh Mali had been to her house and assaulted with iron rod and stump. Balu Sasane had questioned Pravin as to why he has broken the glass panes of his car. There was a verbal altercation. The said persons have started abusing Pravin. He had requested them not to abuse. The said persons have then mounted assault on Pravin with weapons i.e. stump and iron rod. He collapsed to the ground. He was rushed to the hospital, where the injuries were sutured and he succumbed to the injuries.

3. The message was given to the Police Station about the death of Pravin. The Investigating agency had registered A/D No. 91 of 2015 and Inquest Panchanama is conducted in A/D enquiry. In fact, at the time of admission itself, the first informant had disclosed that there was an assault by two persons and Crime No. 363 of 2015 was already registered, despite that, the Investigating Officer had registered it as an Accidental Death under Section 174 of the Code of Criminal Procedure, for the reasons best known to the investigating agency.

4. The body of Pravin was sent for autopsy. Column No. 19 of post mortem notes would clearly indicate that he has sustained an

injury to his head, which was sufficient to cause death in ordinary course of nature. The cause of death is head injury. There are eye witnesses to the incident. The application of co-accused Rakesh Mali is rejected by this Court on 10<sup>th</sup> January, 2017. The application being sans merits, shall rejected. The learned Sessions Judge shall not be influenced by that observation at the time of trial.

**(SMT. SADHANA S. JADHAV, J.)**