

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

CRIMINAL BAIL APPLICATION NO. 2163 OF 2017

Devu @ Sachin Arjun Farara & Ors

... **Applicants**

V/s.

Union Territory of Dadra &
Nagar Haveli

... **Respondent**

Mr. Manoj Badgujar for the Applicants.

Ms. Purnima H. Kantharia for Respondent No.1

Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 01st NOVEMBER, 2017

P.C.:

. This is an Application under Section 439 of Cr.P.C. for bail in C.R. No.45 of 2017 dated 24.08.2017 registered with Khanvel Police Station for the offences punishable under Section 304, 201 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicants and the learned Special Public Prosecutor. Perused the record of investigation.

3. It is the case of the prosecution that on 24.08.2017, the Applicants along with juvenile accused initially dashed deceased Ramsingh from a motorcycle and after he fell down again assaulted him. Ramsingh was admitted to the hospital and while undergoing treatment succumbed to the injuries.

4. The record indicates that, the alleged dash given by the accused persons with motorcycle to Ramsingh, prima facie appears to be an accident and it further appears that there was no intention to commit culpable homicide of deceased Ramsingh by the Applicants. The record further indicates that the investigating agency since the date of arrest of Applicants did not seek police custody of the Applicants from the Court of competent jurisdiction and the Applicants are in judicial custody since then.

5. In view of the above, the Applicants can be released on bail.

Hence the following order:

i) The Applicants be released on bail in CR No.45 of 2017 registered with Khanvel Police Station, District Silvassa on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

ii) After their release from the jail, the Applicants shall attend the Khanvel Police Station, Silvassa once in month i.e. on every 1st Monday of the said month between 10.00 a.m. to 12.00 Noon untill further orders.

iii) The applicants shall also attend all the dates before the Trial Court.

iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

v) The Applicants shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

- vi) Application is allowed in the aforesaid terms.
- vii) All the concerned to act on the authenticated copy of this order.

(A.S.GADKARI, J.)