

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2406 OF 2017**

Sameer Ahmed Inamdar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Nikam a/w. Mr. Ashish Satpute for the Applicant.

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 27th NOVEMBER, 2017

P.C.:

. This is an Application under Section 439 of Cr.P.C. for bail in C.R. No.177/2017 dated 22.04.2017 registered with Khadak Police Station, District Pune for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the Applicant and his brother Ameer are residing in the same vicinity where deceased-Sajid and his family members are residing. That on 21.4.2017 at about 05.00 p.m., there were altercations due to certain reasons between deceased Sajid and the Applicant. At that time, Applicant extended threats to the deceased-Sajid saying that, in the evening he will come with his brother Ameer and will finish him.

3. That, accordingly at about 09.30. p.m., Applicant and Ameer came at the

spot. Co-accused Ameer was holding a wooden log. That, the Applicant assaulted the deceased with fist blows on his chest. That, when Ameer started assaulting deceased with a wooden log, deceased warded off the said assault and in the said scuffle deceased-Sajid fell down on the ground and got unconscious. The family members of deceased-Sajid rushed him to the nearby doctor immediately where the concerned doctor advised them to take deceased to the hospital. The deceased was therefore taken to K.E.M. Hospital, where he was declared dead prior to admission. The First Information Report is lodged by Jamir Qureshi, brother of deceased-Sajid. During the course of investigation, the Applicant came to be arrested on 22.4.2017 and after completion of investigation police have submitted charge sheet.

4. Perused the charge sheet.

The record indicates that First Informant has categorically stated therein that the Applicant assaulted deceased with fist blows and co-accused Ameer tried to assault deceased with a wooden log, however, deceased held the said wooden log and during the said scuffle deceased-Sajid fell down on the ground. The post mortem notes indicate that there was 'Hematoma in the scalp at left temporo-occipital region'. The Medical Officer has expressed his opinion as to the cause of death as "head injury". Thus prima facie it appears that, during the said scuffle when the deceased had a fall on ground, the said injury might have caused to him as the First Informant has not mentioned any specific assault with

wooden log or other wise on the head of the deceased.

5. In view thereof, the Applicant can be released on bail.

Hence the following order:

i) The Applicant be released on bail in C.R. No.177/2017 dated 22.04.2017 registered with Khadak Police Station, District Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend Khadak Police Station, District Pune on every alternate monday of the month between 10.00 a.m. to 12.00 p.m. till the conclusion of trial.

iii) After his release from jail, the Applicant shall not enter the jurisdiction of Khadak Police Station, except for marking his presence with the said police station as directed above.

iv) The Applicant shall also attend all the dates before the Trial Court.

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

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

vii) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)