

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 892 OF 2018
Sohan C. Jaiswal vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.S.Redekar for the applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 20th June, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No. 154/2017 dated 5.11.2017 registered with Coloba Police Station, Mumbai under Sections 304, 279 of the Indian Penal Code now culminated into Sessions Case No.95/2018.

2. It is the prosecution case that, the applicant without having any licence, was plying a horse for joy ride near Kuprej Garden, Ghoda Maidan, Coloba, Mumbai. That, Ms. Janhavi aged about 6 years daughter of the first informant Smt. Manju Mestry was having a horse ride on 5.11.2017

at about 4.30p.m. That, during the said ride, Ms. Janhavi Mestry fell from the horse and suffered grievous injuries to her head and other parts of the body. The said Ms. Janhavi succumbed to the injuries on 5.11.2017 itself. It is further alleged that the applicant apart from the fact that, he was not having licence to ply horse, did not provide necessary safety gadgets to the said deceased child and therefore, has committed an offence punishable under Section-279, 304 of the Indian Penal Code.

During the course of investigation, the applicant came to be arrested on 6.11.2017 and after completion of investigation the police have submitted charge sheet.

4. The record indicates that, the applicant, as noted earlier was not having licence to ply the said horse at the said place from the competent authority, did not take care of providing necessary safety gadgets to the said child and in the said accident the minor child suffered grievous injuries and succumbed to it. It appears from the record that, the applicant did not had intention to commit the said crime. That, the applicant was earning his livelihood by

plying the said horse at the said place and it is very difficult to infer that, the applicant was even having any intention to cause the said accident or the act as alleged. It is a fact that the applicant did not take proper care to provide safety gadgets to the children for riding the horse. The investigation of the present crime is already completed and the police have submitted charge sheet.

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

Hence, the following order.

a) The applicant be released on bail in CR No. 154-2017 dated 5.11.2017 registered with Coloba Police Station, Mumbai now culminated into Sessions Case No. 95/2018 pending on the file of Additional Sessions Judge, Greater Mumbai, Mumbai on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the Coloba Police Station on every first Monday of the month between 11.00 a.m. to 1.00p.m.

- c) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions of cancellation of bail.
- e) The applicant shall not tamper with the evidence and /or pressurize the prosecution witnesses.
- f) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)