

AS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2408 OF 2018

Zagadu Ramsubhag Rahidas ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Viral K.Rathod for the applicant.

Mr.Arfa Sait, APP for the respondent-State.

Mr.L.K.Shelar, PSI, Malvani police station present.

CORAM: NITIN W.SAMBRE, J.

DATE : NOVEMBER 21, 2018

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In Crime No.75/2018 for offence punishable under sections 302, 323, 504 and 506 of the Indian Penal Code registered with Malvani police station, Mumbai, the applicant came to be charge sheeted after his arrest.

3. The prosecution case against the present applicant is while working with the victim, a quarrel ensued which resulted in physical fight and as such the victim was pushed from the mezzanine floor / loft, resulting into suffering an head injury.

4. The admitted position is, the applicant was admitted to the hospital after the incident and died after four days.

5. In the aforesaid backdrop, even if the statements of eye witnesses are considered, at the most the offence will fall under section 304 Part II of the Indian Penal Cod i.e. culpable homicide not amounting to murder.

6. In view of above, in my opinion, further detention of the applicant is not warranted. Hence the order :-

- i) The applicant be released on bail in Crime No.75/2018 for offence punishable under sections 302, 323, 504 and 506 of the Indian Penal Code registered with Malvani police station, Mumbai on his executing P.R. bond of Rs.15,000/- with two sureties in the like amount;
- ii) The applicant shall not influence the prosecution witnesses

or tamper with the evidence;

- iii) The applicant shall continue to report to the concerned police station every month in first week of English calendar month till framing of charge;
- vi) The application is disposed of accordingly.

(NITIN W.SAMBRE, J.)