IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Cri. BAIL APPLICATION NO. 192 OF 2019

Yogesh Suresh Patil … Applicant.

Vs.

The State of Maharashtra … Respondent.

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Mr. Hrishikesh Mundargi, Advocate I/by Subir Sarkar, for the Applicant.

Mr. S.R. Agarkar, APP for the State.
(Mr. R. B. Kedar, ASI, Wada Police Station, is present).

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CORAM : PRAKASH D. NAIK, J.

DATE : FEBRUARY 28, 2019.

P.C :-

1 This is an application for bail in connection with C.R. No.I- 95 of 2018, registered with Wada Police Station, District – Palghar, for the offences punishable under Sections 341 and 302 read with 34 of Indian Penal Code.

2 Prosecution case is that police received information from Santosh Sutar on 16th April, 2018 that driver of the Container was being assaulted by the people and he had intervened and rescued him. It is alleged that the driver of the Container was deliberately driving very closely to the persons

who were driving motorcycle. The driver also chased the wife of one Yogesh Patil (Applicant) and passed some lewd comments. The driver was apprehended by mob and he was assaulted with fists, kick blows and bricks.

3 Investigating officer recorded statements of various witnesses and on completing investigation, charge–sheet has been filed. Applicant was arrested on 17th April, 2018.

4 Learned counsel for the applicant submitted that the only eye witness, who attributed the overt-act to the applicant is one Santosh Sutar. It is submitted that the role attributed to the applicant is that he had jumped on the chest of the victim. He submitted that the incident had occurred at spur of moment. The applicant did not use any weapon. There was no intention to commit murder of the victim.

5 Learned APP however, submitted that the aforesaid witnesses viz. Santosh Sutar has attributed overt-act to the applicant. It is submitted that in view of cause of death, reflected in the postmortem report, applicant is responsible for death of victim.

6 Learned APP drew my attention to the statement of witnesses who has referred to the presence of the applicant at the place of incident. It is submitted that the deceased had

sustained injuries, which has resulted into his death. The deceased was assaulted by various persons by fist and kick blows and by brick on account of which he has sustained severe injuries.

7 It is noted that the incident had occurred all of a sudden. The assault was not premeditated. As reflected in the statements of witnesses, the victim was assaulted by several persons. The applicant had allegedly jumped on the chest of the victim. Prima-facie, there may not be any intention to cause death. The applicant is in custody from the date of arrest. Co-accused has been granted bail by this Court. Investigation is completed and the charge–sheet is filed. There are no criminal antecedents against the applicant. Taking into consideration the aforesaid circumstances, case for grant of bail is made out.

8 Hence, I pass the following order:

ORDER

(i) Bail Application No. 192 of 2019, is allowed;

(ii) Applicant is directed to be released on bail in connection with C.R.No.I–95 of 2018, registered with Wada Police Station,

District – Palghar, on his furnishing P.R. Bond in the sum of Rs.25,000/, with one or more sureties in the like amount;

(iii) Applicant shall report Wada Police Station, District– Palghar, on first Saturday of every month between 10:00 a.m. to 12:00 noon, till further orders;

(iv) Applicant shall not tamper with the prosecution witnesses.

(v) It is clarified that the observations made in this order are prima facie for considering the reliefs prayed in this application and trial Court shall not be influenced by the same at the time of trial;

(vi) Bail Application No.192 of 2019, stands disposed of.

(PRAKASH D. NAIK, J.)

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