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

BAIL APPLICATION NO. 1591 OF 2018

Meghraj @ Munna Shivaji Deshmukh

... Applicant

V/s.

The State of Maharashtra .

...Respondent

Mr. A.P. Mundargi, Senior Advocate i/b Swapna Kode for Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 203 of 2015 registered with Shivaji Nagar Police Station, Ambernath, District-Thane under Sections 302, 143, 144, 147, 148, 149 of the Indian Penal Code

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] It is the prosecution case that, deceased Nikhil Sidhu was working as a cashier in Hotel Jai Ambe (Golden Punjab) situated at

Ambernath. That on the date and time of incident, the accused No.1 Nutan Yashwantrao came at the said hotel and demanded payment of chicken to which deceased questioned him about the diary/register of payment. Accused No.1 Nutan got enraged and due to same there were altercations and scuffle between them. The owner of the said hotel Vikas Gill pacified the said scuffle. After sometime the principal accused Nutan along with accused Meghraj Deshmukh and four to six other persons armed with handle of spade (Favda) and cricket stump came at the scene of offence. The said persons assaulted Nikhil on his head, chest and left hand. Nikhil was subsequently admitted to the hospital where he succumbed to injuries while taking thretment on same day i.e. on 26.6.2015 at about 9.45 p.m

4] The record indicates that, deceased Nikhil was immediately admitted to the Central Hospital Ulhasnagar, and when the first informant and his parents had been there, Nikhil disclosed to them the aforestated incident and informed them that it is accused Nutan and Meghraj Deshmukh along with three to four other accused assaulted him.

Thus it is clear from the record that, there is an oral dying declaration given by Nikhil to the witnesses and prima facie there is no other material other than it on record. The applicant was arrested on

26.5.2015 and since then he is in jail. The police have completed the investigation and submitted chargesheet. Apart from this, other five co-accused have been enlarged on bail by this Court under various orders.

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

Hence the following Order:

- (i) Applicant be enlarged on bail on furnishing P.R bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (ii) Applicant shall not reside at Ambernath till the framing of charge.
- (iii) Applicant shall report to Kalyan Police Station on first Tuesday of each month between 10.00 a.m. and 12.00 noon till the framing of charge.
- (iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)