

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

BAIL APPLICATION NO.2760 OF 2019

Rahul Parshuram Baravkar	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Satyavrat Joshi, Advocate for the Applicant.

Mr.S.H. Yadav, APP for the Respondent – State.

Mr.S.D. Hanvate, Hadapsar Police Station, District – Pune,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 04, 2019.

P.C. :

This is an application for bail. The applicant is arrested on 7th April, 2019 in connection with C.R.No.313 of 2019, registered with Hadapsar Police Station, District – Pune, for the offence punishable under Section 302 read with 504 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged by Vishal Vasant Doke on 6th April, 2019 alleging that he received

information from the police that his father and the accused who are regularly visiting U.D. Wine Shop. On 6th April, 2019, complainant's father was sleeping near the wine shop and at that time there was a quarrel between the victim and the accused on account of the fact that the accused has disturbed the victim while he was sleeping. He was further informed that the accused threatened the victim, assaulted him and pushed him as a result of which he fell from the Katta from the distance of 2 and ½ to 3 feet. As a result of that he was unconscious. The victim was then admitted to the hospital where he was declared dead on the same day.

3 During the course of investigation, statement of witnesses were recorded. Statement of eye witness Hanumant Telgi was recorded on 7th April, 2019, wherein he had stated the fact as reflected hereinabove. The applicant was arrested and charge-sheet has been filed against him.

4 Learned counsel for the applicant submits that taking the prosecution case as it is, the offence would not fall under the provisions of Section 302 of IPC. There was no intention to commit murder. The incident has occurred on account of minor

quarrel between the victim and the accused. There are no criminal antecedents against the applicant. He is in custody from the date of arrest.

5 Learned APP however submitted that the deceased had died on account of the overtact attributed to the applicant. Statement of the eye witness refers to the quarrel between the victim and the accused and the assault by the applicant.

6 On perusal of the statement of Hanumant Telgi, and the other material on record, it appears that the victim and the accused were visiting the Wine Shop which is situated near the place of incident. Apparently, there was a quarrel between the victim and the accused. The victim was sleeping near the Wine Shop on Katta and since he was disturbed by the accused, victim had quarreled with applicant-accused and thereafter he was allegedly assaulted by the accused and pushed as a result he fell from Katta. It is pertinent to note that the applicant-accused had admitted the victim in the hospital which is apparent from the medical history which indicate that the victim was brought to the hospital by the accused. The history also mentions that there was a fight between victim and the person who brought the victim in

hospital. Thus, the incident had occurred on account of quarrel between two persons which was not pre planned. No weapon was used for committing the offence. *Prima facie* there may not be an intention to commit the murder. There are no criminal antecedents against the applicant. Hence, case for grant of bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2760 of 2019, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.313 of 2019, registered with Hadapsar Police Station, District-Pune on furnishing PR Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall attend Hadapsar police station, District-Pune once in a month on first Saturday of the month between 10:00 a.m. to 2:00 p.m. till further order;

- (v) The observations made in this order are only considering the application for grant of bail and the trial Court shall not be influenced by the same at the time of trial;
- (vi) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)