

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2888 OF 2018

Anil Kumar Vishnu Mandal, Age 32 years,
Occ.Service, R/o.Room No.302,
Sai Sahara Building, Opp.Chand Bekri,
Near Moregaon Talav, Nallasopara (E).
Tal.Vasai, Dist.Palghar.

Applicant

versus

The State of Maharashtra

Respondent

Mr.R.V.Gupta for applicant.

Mr.Prashant Jadhav, APP, for State.

Mr.Dipak Girkar, API, Tuling Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st January 2019

PC :

1. This is an application for bail in CR No.I-703 of 2018. The offences were registered u/s.302, 201 of Indian Penal Code. The FIR was registered on 30th June 2018 wherein it is stated that on 29th June 2018 the father of complainant had jumped from third floor by inflicting injury on himself and committed suicide. The complainant thereafter reported the said incident to police and inquiry was conducted u/s 174 of Cr.P.C. The complainant has approached police on 30th June 2018 and he came to know from the doctors who had performed post mortem, that there was an injury on his neck which has resulted in his death. The complainant therefore suspected that his uncle who was residing with his father was involved in the crime. Hence the FIR was lodged u/s 302 of IPC on 30th June 2018. During the course of investigation statement of one

Birwadkar was recorded on 30th June 2018. In his statement he has stated that on 29th June 2018 he had noticed that the deceased was standing in the gallery of premises and when he was asked as to what he was doing, he jumped from third floor and was injured. He was taken to hospital for treatment. He proceeded to the room where the deceased was residing and noticed that there were blood stains and the applicant was trying to wipe the same. Subsequently the son of the deceased had suspected involvement of the applicant and therefore he had approached police and the statement was recorded on 30th June 2018. The post mortem report referred to several injuries suffered by the deceased including the injury on the neck. The opinion as to the cause of death is stated to be death due to haemorrhagic shock due to injury to major neck vessels.

2. Admittedly the deceased had jumped from third floor of the building which is witnessed by one of the witness. It is pertinent to note that the witness Sachin Birwadkar did not report to police on 29th June 2018 about the alleged incriminating circumstance. The first informant in his statement has mentioned that initially he had informed police about suicide committed by his father by self inflicting injury upon himself. The FIR also refers to mental condition of the deceased. The complainant has stated that the deceased was suffering from mental illness. Assuming that the deceased had sustained injury on his neck and there were blood stains in the room, there is no corroborative evidence to show that he was assaulted by the applicant. The incriminating circumstance spelt out in the statement of witness Birwadkar is not supported by spot panchanama as the said document does not indicate the blood stains which were found on the floors which were allegedly wiped out

thereafter. The applicant has been arrested and since then he is in custody and charge sheet is filed.

3. Learned APP submitted that the evidence of witness as stated above shows that the applicant is involved in the case. Learned APP also relied upon post mortem report and the opinion as to cause of death. In the circumstances, case for grant of bail is made out.

4. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2888 of 2018 is allowed and disposed off;

(ii) The applicant is directed to be released on bail in connection with CR No.I-703 of 2018 registered with Tulinj Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Tulinj Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;

(iv) The applicant shall not tamper with evidence and shall attend the Trial Court proceedings regularly, unless exempted for some reason by the Trial Court.

(PRAKASH D. NAIK, J.)

MST