

Dond

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

BAIL APPLICATION NO.3141 OF 2018

Manish Ranchodbhai Patel

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Raees S. Kazi, for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 129 of 2018 dated 20th March 2018 registered with Navghar Police Station, District Thane under Sections 302, 323 and 504 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, on 19th March 2018 at about 20.45(8.45) p.m. the applicant was burning plastic outside the gate of his Company which is situated at Shakti Venkatesh Park, Near MTNL, Phatak

Road, Bhyandar(East). The informant Vicky Vatore objected to it and a quarrel took place between them which ensued in a scuffle. It is alleged that, when the applicant was abusing and was assaulting the informant, the deceased Nitin Yadav tried to intervene in the said scuffle with a view to pacify it. However, the applicant took an iron rod lying near the gate of the Company and gave a blow of the same on the head of the deceased Nitin. Nitin died while undergoing treatment on 21st March 2018. The Autopsy Sergeon has opined the probable cause of death of Nitin as “head injury”.

4] The first information report and the statement of eye-witness indicate that, when deceased Nitin tried to pacify quarrel between the applicant and the first informant, in the fit of passion and due to grave and sudden provocation the applicant assaulted Nitin with iron rod which was lying near the scene of offence. It appears that, the applicant did not have intention to commit culpable homicide amounting to murder of Nitin. The record further indicates that, there are no antecedents at the discredit of the applicant.

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

Hence, the following Order:-

i] Applicant be released on bail in CR No.129 of 2018 registered

with Navghar Police Station, District Thane, on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

ii] After his release from jail, the Applicant shall attend the Trial Court on every first Monday of the month between 11.00 a.m and 1.00 p.m. If the first Monday comes on a holiday, the applicant shall attend the Trial Court immediately on the next working day;

iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)