

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

CRIMINAL BAIL APPLICATION NO. 3183 OF 2018

Sobu Abbas Shaikh

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Anand V. Upadhyay for the applicant.

Mrs. A.A. Takalkar, APP for the Respondent-State.

Mr. M.M.Walekar, P.I. MRA Marg Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 30th JANUARY, 2019.

P.C.

1. This is an application for bail in connection with CR No. 167 of 2018 registered with M.R.A. Marg Police Station for the offence punishable under Section 326, 504, 302 of Indian Penal Code. First Information Report was lodged by the wife of the applicant on 29th July, 2018.

2. It is the case of the prosecution that there was altercation between the applicant and the complainant. The deceased who is brother of the complainant had arrived at the spot, he questioned the applicant about his conduct. It is alleged that applicant took up the bamboo stick which is lying at the spot and gave single blow on the head of the deceased. He was taken to hospital,

where he was declared dead. During the course of investigation, statement of eye witnesses were recorded who had stated that applicant had assaulted the victim by bamboo stick with a single blow on his head.

3. Taking version of witnesses it does not appear that there was any intention to commit murder. On perusal of the Postmortem report, however it appears that the victim had sustained several injuries on his person and opinion as to the cause of death is head injury and multiple injuries over body due to assault. As stated above, the statement of the complainant as well as other eye witnesses refers to single blow given by the applicant on the head of the deceased. The Postmortem report appears to be contrary to statement of witnesses. Applicant is in custody since 27th July, 2018. Investigation is completed and chargesheet has been filed. Learned APP on instructions submits that the charge has been framed against the applicant. Considering the circumstances, case for grant of bail is made out. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii Applicant is directed to be released on bail vide CR No. 167 of 2018 registered with M.R.A. Marg Police Station on furnishing

PR Bond in the sum of Rs.20,000/- with one or more sureties in the like amount out of which one should be local surety;

iii. Applicant shall report to the concerned police station once in a month on first Saturday of every month between 11 a.m. to 1 p.m. till further order;

iv. Applicant shall furnish residential address to the Investigating Officer after he is released on bail;

v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)