

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 3309 OF 2018**

RAVINDRA JANARDAN
MASURKAR

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Smt. Gladys Pereira for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 1st APRIL, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-258 of 2017 dated 18th August, 2017, registered with Dombivli Police Station, District Thane under Section 302 of the Indian Penal Code.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report is lodged by Ms. Sheetal Lokare.

It is the prosecution case that, the Applicant is residing in front of the house of the informant. That, there used to be quarrels

between the Applicant and the family members of the first informant over filling of tap water and/or water provided by tanker. That, on the date and time of incident, it is alleged that the Applicant was cleaning the front portion of his house with a broom. He was also trying to remove the water clogged in front of his house and in the said process, the said water along with filth was pushed towards the house of the informant. The mother of informant, therefore, objected the said act of the Applicant and therefore, a quarrel took place. It is alleged that, in the said quarrel the Applicant abused the mother of the first informant in filthy language and told that, he will not remove the filth lying therein and all of a sudden he went inside the house, brought an iron rod and hit it on the head of the mother of the informant. The mother of the informant collapsed on the spot. The doctors attached to the Government hospital declared her brought dead.

During the course of investigation, the Applicant came to be arrested on 16th August, 2017 and after completion of investigation, police have submitted charge sheet.

4 The witnesses to the present crime have categorically stated that, there was a quarrel going on between the Applicant and

Smt. Sunanda Lokare i.e. the mother of the first informant and in the said quarrel, the Applicant assaulted the mother of the first informant with an iron rod. The post-mortem notes of the deceased indicate that she suffered one CLW over her scalp. The Autopsy Surgeon has opined the cause of death as “*due to head injury*”. After perusing the record, *prima facie* it appears that, the Applicant did not have intention to commit culpable homicide of deceased Smt. Sunanda Lokare but, due to the grave and sudden provocation and in the heat of passion, the Applicant assaulted the deceased with an iron rod.

5 As noted earlier, there is only one injury suffered by the deceased. The investigation of the present crime has already been completed. It is submitted by the learned counsel for the Applicant that, there are no antecedents at the discredit of the Applicant.

6 In view thereof, the Applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. I-258 of 2017 dated 18th August, 2017, registered with Dombivli Police Station, District Thane on his furnishing PR bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

- b) Before his release from Jail, the Applicant shall furnish documents pertaining to his prospective residence to the Dombivli Police Station and also to the Trial Court.
- c) After his release from Jail, the Applicant shall not enter the jurisdiction of Dombivli police station and shall keep himself away from it till the conclusion of trial.
- d) After his release from Jail, the Applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
- e) Any two consecutive defaults in complying with the afore-stated condition will attract the provisions of cancellation of bail.
- f) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- g) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)