

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

BAIL APPLICATION NO.2343 OF 2019

Tipu Sultan Firoz Mansuri	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Satyavrat Joshi a/w. Mr.Nitesh J. Mohite, Advocate for the Applicant.

Mrs.Veera Shinde, APP for the Respondent - State.

Mr.Pandit Jagannath Gavde, PC Chandannagar Police Station, Pune.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 16, 2020.

P.C. :

This is an application for bail in connection with C.R.No.78 of 2019, registered with Chandannagar police station, Pune, for the offences punishable under Sections 302, 323 and 504 read with 34 of Indian Penal Code ("IPC", for short).

2 The case of the prosecution is that on 24th February, 2019, Rahul Jayprakash Singh lodged First Information Report ("FIR", for short). It was alleged that on that day, at about 6:24

p.m. Chandansingh (deceased) had called the complainant and informed him that he was standing with his friend and Ms.Supriya Bhosle opposite Empire Hotel and they were chit chatting. At that time, the applicant and Anirudh Rathod who were known to him came near them. They were staring at Supriya Bhosle. The deceased questioned the applicant about the same. The accused abused the deceased and assaulted him by fist and kick blows. The other accused Anirudh Rathod gave a blow on his head by a stone apparently lying at the place of incident. Thereafter, the victim went home. The wife of the victim noticed blood on his cloths. Subsequently, the deceased complained of uneasiness on account of injuries sustained by him, and, therefore, he was taken to the hospital. He died in the hospital on the same day.

3 Learned counsel for the applicant submitted that the incident had occurred at the spur of moment. The applicant had allegedly assaulted the victim by fist and kick blows. The co-accused had assaulted by stone, which was lying at the scene of offence. There was no intention to commit murder. There are no criminal antecedents against the applicant.

4 Learned APP submitted that the victim was assaulted by the accused when they were questioned as to why they were staring at the friend of the victim, who was accompanied him. The victim had sustained head injury. He died on account of injury sustained by him.

5 There are no criminal antecedents against the applicant. Undisputedly, the applicant had not used any weapon in assaulting the deceased. The incident had occurred at the spur of moment. Charge - sheet is filed. There may not be any intention to commit murder, considering the role, attributed to applicant and also considering that he is in custody from 21st April, 2019, further detention of the applicant is not necessary. Hence, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2343 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.78 of 2019, registered with Chandannagar police station, Pune, on his

executing P.R. Bond in the sum of Rs.25,000/-,
with one or more sureties in the like amount;

(iii) Applicant shall report concerned police station
once in a month on first Saturday of the month,
between 11:00 a.m. to 01:00 p.m., till further
orders;

(iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)