

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2933 OF 2019

Deepak Ananda Nalawade ... Applicant

V/s.

The State Of Maharashtra ... Respondent

 Mr. Tejas Hilage for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J
DATED : 30th JUNE, 2020.

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PC. :

1. This is an application under section 439 of Code of Criminal Procedure. The applicant herein is arrested in Crime No.318 of 2017. Investigation is completed and charge sheet is filed. It is the case of the prosecution that the applicant is working in Jai Jawan Securities. It is the case of the prosecution that on 30th October 2017 FIR was lodged against one unknown person for causing death of Laxman Patil who was also working as Security Guard along with the applicant. That the applicant herein was arrested on 9th November 2017.

2. Charge sheet is filed. The prosecution mainly relies upon the extra-judicial confessions made by the applicant to his wife and others. Perused the statement of the wife. She has stated that on 1st

November 2017 her husband had rushed to Yashraj Hospital where she is working as Nurse. He was in frightened condition. He informed his wife that on the previous night there was a quarrel between Laxman Patil and himself since Laxman Patil was abusing him. That Laxman Patil had made certain allegations against the applicant. They both had consumed alcohol. In the spur of the moment he had hit Laxman Patil with an iron rod. However, he was not sure as to whether he is alive or dead. It appears from the charge sheet that on 3rd November 2017 the applicant had been to the Police Station to inquire as to whether Laxman Patil is alive or dead and had learnt that Laxman Patil had died.

3. The learned APP submits that under section 27 there is recovery of mobile handset belonging to Laxman Patil from Birju Gupta who is the owner of the tea stall and that the applicant had sold the same to Birju Gupta.

4. The learned counsel for the applicant submits that the incident had occurred on spur of moment. Deceased as well as accused applicant were under the influence of alcohol. It is also submitted that the very fact that he had inquired with the Police as to whether Laxman Patil was alive or dead would indicate that he had no intention to cause homicidal death of Laxman Patil.

5. The applicant is in custody since 2017. The bail application is filed in this Court in the year 2019. However, it appears that the application had not reached the stage of hearing. Hence, the

applicant deserves to be enlarged on bail. Hence, the following order :-

ORDER

(i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- and one or more solvent sureties in the like amount;

(ii) The applicant be released on cash surety for a period of 8 weeks within which he shall furnish surety;

(iii) Application is disposed of.

(SMT. SADHANA S. JADHAV, J)