

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

BAIL APPLICATION NO.3573 OF 2019

Mr. Shubham Vinayak Gaygol ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. R.A.Shaikh for the Applicant.
Mrs. Rutuja Aambekar , APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 24th JANUARY, 2020

P.C. :

Heard.

2 Argument is that without pre-mediation and in the heat of passion, applicant assaulted the deceased with wooden log on his head. The FIR came to be lodged on 27th April, 2019 wherein the death occurred on 4th May, 2019. The next contention is, he had died of medical complications. Additionally, it is argued that the applicant is young person and that his young age shall be considered and that he may be granted bail.

2019.odt

3 I have perused final report. Also perused statement of one of the eye witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. This witness had given clear role of assault by the applicant on the head of the deceased and even when he fell down, applicant repeatedly assaulted him. Post-mortem opinion as to cause of death is due to head injury. Therefore, post-mortem report corroborates version of the complainant and the eye witnesses. Offence punishable under Section 302 of the Indian Penal Code, 1862 is punishable with life imprisonment or death penalty.

4 Application is rejected.

5 Trial is directed to be expedited.

6 It is made clear that observations made here-in-above shall be construed as expression of opinion only for

the purpose of refusal of bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)