

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.359 OF 2021

Vinod Bajiliya Sathliya

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.R.Gaud for applicant.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 6th April 2021

PC :

1. This is an application for bail. The applicant was arrested on 21st April 2020 in connection with CR No.117 of 2020 registered with V.P.Marg Police Station for offences under Section 302 of Indian Penal Code. The FIR was registered on 20th August 2020.

2. The case of prosecution is that the deceased was found lying dead. He was aged about 65 years. He was brought to J.J.Hospital. The doctors have declared him dead and the information about cause of death was mentioned as head injury with suspected Covid case. Since he was suspected to be the victim of Covid-19, post mortem was not conducted. Since he had sustained head injury, the death certificate made reference to head injury. It was noticed that blood was oozing from the head injury. The body of the deceased was cremated by taking all precautionary measures as the victim was suspected to be a Covid patient. The CCTV footage where the body was found, was viewed and it was noticed that one person was

assaulting the victim by stick. The investigation revealed that name of assailant was Vinod Sathliya (applicant).

3. Statements of witnesses were recorded. On completing investigation charge sheet is filed.

4. Learned advocate for applicant submitted that offence u/s 302 of IPC is not made out. The victim was allegedly assaulted by stick. The cause of death mentioned in the certificate is head injury with suspected Covid case. The applicant is in custody from 21st April 2020.

5. Learned APP submitted that there is evidence against applicant. There is eye witness to the incident. The CCTV footage indicate presence of the applicant at the scene of assault and he is seen assaulting the victim.

6. No motive is attributed to the applicant. There is nothing on record to show as to why the victim was assaulted. The case of prosecution is that wooden stick was used while assaulting the victim. It appears that two to three blows were given to the victim. The death certificate mentions head injury and suspected Covid case. The statements on record indicate that victim was vulnerable and he was suffering from cough. The record also indicate that precautionary measures were taken while cremating the body of deceased. The deceased was suspected to be covid patient. No post mortem was conducted. Thus, there is no information on record to indicate that victim had died on account of assault by wooden stick although there is reference to the head injury. The applicant is in

custody for more than one year. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.117 of 2020 registered with V.P.Marg Police Station, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report V.P.Marg Police Station once in three months on first Saturday of month between 11 am and 1 pm till further orders.

(PRAKASH D. NAIK, J.)

MST