

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

CRIMINAL BAIL APPLICATION NO.968 OF 2021

Tarang Soma Patel
Versus
Union Territory of Daman and Diu
and Dadra and Nagar Haveli

.... Applicant
.... Respondent

Mr. Bhavesh Parmar, Advocate a/w. Devmani Shukla,
Vivekanand Akshali, for the Applicant.

Mr. H.S. Venegaokar, Special PP for the Respondent.

Mr. Aay Patil, APP, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th APRIL, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.98/2020 registered at Nani Daman police station, District-Daman under Section 307 of the Indian Penal Code. The Applicant was arrested on 12.11.2020 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. The prosecution case is about the injuries suffered by one Laxmanbhai Patel because of the deliberate act of the

present Applicant driving his car rashly on the person of Laxmanbhai. The FIR is lodged by Piyushbhai Patel on 11.11.2020. The prosecution case is that the informant's wife Varshika Patel had won Panchayat election against the Applicant's wife. The informant's group was celebrating in front of house of the Applicant. The Applicant was present and he drove his Scorpio car deliberately in rash manner and drove it on the person of Laxmanbhai, who was standing on the side of the road causing injuries.

3. Heard Shri Bhavesh Parmar, learned Counsel for the Applicant and Shri H.S. Venegaokar, learned Special Public Prosecutor for the Respondent.

4. Learned Counsel for the Applicant submitted that from the investigation papers, the story does not appear to be true as narration in the FIR and the statements of witnesses do not match the description of the spot of incident. He submitted that the Applicant was rushing back to his house because he was worried about his family as the informant's group was aggressively celebrating their victory. He submitted

that no offence under Section 307 of IPC is made out.

5. He submitted that the Applicant is already in custody since November, 2020. His further custody is not necessary. He further submitted that the Applicant's mother is suffering from cancer and, therefore, it is all the more necessary that the Applicant is granted bail so that he can look after her.

6. Learned Special Public Prosecutor Shri Venegaokar opposed this application. He submitted that narration of the incident given by the victim and other witnesses show that it was a deliberate act on the part of the Applicant. He drove the car towards the victim and when the victim was saved, he again took the car in reverse gear and caused this injury. Therefore, his act was deliberate and, therefore, the offence under Section 307 is made out.

7. I have considered all these submissions. With the assistance of both learned Counsel, I have perused the entire charge-sheet. The statements of the victim himself as well as

of the eye witnesses are consistent.

8. The victim Laxmanbhai has stated that after Varshika's victory, they were celebrating the victory by bursting crackers near their old house. At about 4:00 p.m, the Applicant who was residing in front of that house and whose wife was defeated in the same election, came in his car bearing registration No.DD-03-AR-0077. He was driving that car with speed. As the Applicant's car approached the victim he fell down and sustained injury. Thereafter again the Applicant took reverse gear and again drove the car towards Laxmanbhai with intention to kill him, because of that he again sustained injuries to his leg. There are statements of witnesses like Piyushbhai Patel, Varshika Patel, Darshil Patel, Manoj Patel etc. who have stated similarly.

9. In this context, the injuries sustained by the victim will have to be seen. The injury certificate shows that he had a fracture to his right ankle with abrasion over the ankle and CLW between 2nd and 3rd toe of his right foot. He underwent corrective surgery for the injuries. So, at this stage, the

victim's version cannot really be doubted. However, from the facts of the case it appears that the Applicant had no particular reason to commit murder of the victim. Even as per the allegations, the Applicant was upset because of defeat of his wife and because the other side was celebrating their victory. The allegations do point out that he drove his car deliberately towards the victim but in that case the vehicle did not cause more damage to the victim and there was one fracture on his leg. The Applicant had not used any other weapon. Therefore, though he is responsible for causing that injury, it is doubtful whether Section 307 of IPC is made out. However, this fact will have to be tested during trial. The Applicant is already in custody since 12.11.2020. The investigation is over. The Applicant's mother is suffering from cancer. He has a minor daughter and a father who is a heart patient. Taking all these factors into consideration, the Applicant can be granted bail during pendency of the trial. Hence, the following order :

ORDER

- (i) In connection with C.R.No.98/2020 registered at Nani Daman police station, District-Daman, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)