

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1257 OF 2021

JAYNATH SOAPAN MANSUKH)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Vilas Tapkir, Advocate for the Applicant.

Smt.PP.Shinde, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

RESERVED ON : 16th NOVEMBER 2021
PRONOUNCED ON : 23rd NOVEMBER 2021

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.527 of 2020 registered with Police Station Junnar, Pune, for offences punishable under Section 302, 307, 504 and 506 of the Indian Penal Code (IPC).

AVK

1/5

2 It is the case of prosecution that on 2nd November 2020, at about 4.00 p.m., the informant heard quarreling sound of his brother. Accordingly, he went to see and saw that the applicant was giving abuses to his brother namely Prakash. It is further alleged that, thereafter, the applicant started his tractor and drove it over the person (on right leg and ribs) of the said brother of the informant. Even he again came back with his tractor and again tried to drive it over the person of the brother of the informant. On 3rd November 2020 the brother of the informant namely Prakash (since deceased) succumbed to the injuries. Accordingly, the First Information Report (FIR) came to be lodged.

3 Mr.Vilas Tapkir, learned counsel for the applicant, submits that there is contrary theory put forth by the prosecution, having regard to the FIR and the supplementary statement of the informant recorded on 5th November 2020. The learned counsel then submitted that it was a case of accidental death and there

are no criminal antecedents and in such circumstances, the applicant may be enlarged on bail.

4 Smt.PPShinde, the learned APP, on the other hand, opposed the submissions by contending that the applicant deliberately drove the tractor over the person of the deceased and caused his death. The learned APP also invited my attention to the Spot Panchnama wherein the tyre marks were noted on the spot. There being no merit in the application, the same is liable to be rejected.

5 From the FIR itself it is very much clear that not only the applicant indulged into quarrel with the deceased, abused him, but even threatened that he would see him (deceased) and then materialized his threat by driving his tractor over the person of the deceased. This incident was witnessed by the informant himself.

6 Then there are statements of eye witnesses namely Nivrutti Dnyandev Mansukh and Vimal Devram Mansukh who unisonly stated that after abusing the deceased, the applicant threatened that he would kill him (deceased) and immediately thereafter he started his tractor and drove it on the right leg and shoulder of the deceased. From the above, it is more than clear that the applicant was having mensrea and he materialized his threat by intentionally driving his tractor over the person of the deceased knowing fully well the consequences.

7 I have also gone through the postmortem report which clearly shows that cause of death was multiple injuries. From the above, it is very clear that it was not a case of accidental death as is canvassed before me by the learned counsel for the applicant. Rather, it was a deliberate act on the part of the applicant that ultimately caused death of the deceased.

8 For the aforesaid reasons, I do not find merit in the application. Hence, the following order :

ORDER

Application is rejected.

(V. G. BISHT, J.)