

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1194 OF 2020

Ankush Balkrushna Mourya

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.G.Rajput with Chaitali Ashish Rajput for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th June 2021

PC :

1. This is an application for bail. The applicant is arrested on 6th February 2019 in connection with CR No.I-138 of 2019 registered with Shanti Nagar Police Station for offences under sections 307, 323 r/w 34 of Indian Penal Code. Subsequently Section 302 of IPC was invoked.

2. The alleged incident had occurred on 5-2-2019. The FIR was lodged by Rajesh Soni on 6-2-2019. According to him on 5-2-2019 the applicant was quarreling with the officials of Toronto Power Company. He was stopped from doing so by the complainant and forced to leave the place. The applicant and his brother Lavkush allegedly left the place. They again came to the spot. The applicant gave one blow of knife on the left side of abdomen of the complainant. He was taken to hospital for treatment. He died on 15-4-2019.

3. Learned counsel for applicant submitted that the applicant was 19 years boy at the time of incident. There was no antecedent

against him. There was no intention to commit murder. The victim had died 68 days after the incident of assault. The CCTV footage refers to presence of several other persons. Several persons had participated in the assault. The CCTV footage does not record assault incident. The CCTV footage does not show that applicant had assaulted the victim by knife. One Sunny is seen removing some articles from the seat of scooter. The co-accused has been granted bail. The applicant is in jail for more than two years. Trial has not commenced.

4. Learned APP submitted that the complainant is eye witness to the incident. Specific role has been attributed to the applicant. The applicant was armed with knife. The overt act attributed to the applicant is use of knife for assault causing death of the victim. From the FIR and other documents it is apparent that the incident had occurred on 15-2-2019. The applicant and his brother had allegedly assaulted the victim. The applicant has given a single blow by knife. The victim had died after 68 days after the incident. The post mortem report shows that the cause of death is complications following stab injury. The applicant was 19 years boy having no antecedents at the time of incident. Bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Bail Application No.1194 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-138 of 2019 registered with Shanti Nagar 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 attend Shanti Nagar Police Station once in a month on every first Saturday of the month between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence and shall not approach the witnesses;
- (v) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(PRAKASH D. NAIK, J.)

MST