

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.33 OF 2022

Nitesh Namdev Wavekar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Kuldeep S. Patil i/b Ms.Saili M. Dhuru for the Applicant.

Mr.R.M. Pethe, APP for the Respondent –State.

Nr.Chimel, PSI, Revdanda, Raigad Alibaug.

CORAM : C.V. BHADANG, J.

**DATE : 13 JANUARY 2022
(Through Video Conferencing)**

**NILAM
SANTOSH
KAMBLE**

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P.C.

. By this Application the Applicant apprehending his arrest in connection with the investigation of Crime No.129 of 2021 of Revdanda Police Station, District-Raigad under Section 304 of Indian Penal Code is seeking anticipatory bail.

2. The prosecution case is that on 19 November 2021 there was a cricket match/tournament organized on the ground of the Primary School at Village Kude, Post-Sudkoli, Taluka-Alibag, District-Raigad, where the deceased Sachin Mali, then aged about 14 years had gone to watch the match. It is said that when the

Applicant who was bating, got out, the deceased clapped his hands. Annoyed by this the Applicant is alleged to have lifted the deceased from his neck because of which he sustained injuries which were noticed by the informant, the elder brother of the deceased, on 19 November 2021. The deceased was treated in various hospitals and expired on account of the sustaining of the injuries on 30 November 2021 at Sion Hospital, Mumbai.

3. After this the FIR came to be lodged on 19 December 2021, on the basis which the aforesaid offence is registered which is under investigation.

4. The learned counsel for the Applicant has pointed out that the deceased is shown present, in a photograph which was taken at the time of the distribution of the trophies, at the conclusion of the cricket tournament. He has also pointed out that the deceased was suffering from Covid-19 and at this stage there is nothing to show that the Applicant had intention or knowledge that he would cause death Sachin Mali by his Act. He stated that the Applicant is a student of Engineering at MGM College at Panvel.

5. The learned Additional Public Prosecutor seeks time and pointed out that the Medical Officer performing the postmortem has reserved the opinion as to cause of death.

6. The death is shown to be on account of neck muscle hematoma and intra Pulmonary Hemorrhage. However at present there is no final opinion as to the cause of death.

7. The learned Additional Public Prosecutor on instructions from the Investigating Officer who is present in the Court states that the Applicant may be directed to join the investigation.

8. In such circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.129 of 2021 of Revdanda Police Station, District-Raigad, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The applicant shall attend concerned Police Station on 24 January 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) The Applicant shall not leave the Raigad District without prior intimation to the Investigating Officer.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.