

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

BAIL APPLICATION NO. 470 OF 2021

Vinod Ramkishor Sahu @ Saha

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. R.N.Gaonkar i/b. Unmesh A. Breed for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

PSI Dilip Rane from Aarey Police Stn.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 13th APRIL, 2023.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 356 of 2020. The case arises from Crime No. 102 of 2020 was registered at Aarey Police Station, for offences under Section 279 and 338 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and the learned APP for the state. Perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. A perusal of the FIR reveals that pursuant to the FIR lodged

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by Priyanka Kasar, initially crime was registered for the offence under Section 279 and 338 of IPC. In the course of investigation, the statement of Siddharth Kambli came to be recorded. A perusal of the statement of the said witness reveals that on 3.6.2020, he along with the Applicant and deceased Pravin were having drinks in a rickshaw. There was altercation between the Applicant and deceased Pravin over sharing of bill. The witness has stated that he tried to intervene, but both of them were not ready to listen and they continued to argue with each other, and started assaulting each other. The witness therefore got down from the rickshaw and started walking. The injured also followed him. He has stated that, while they were walking, the Applicant who was driving the rickshaw dashed his rickshaw against said Pravin, with whom he was earlier fighting. Said Pravin was taken to the hospital in injured condition. In view of the statement of Siddharth Kambli, offence under Section 307 came to be added. Said Pravin died on 7.6.2020. Hence, offence under Section 302 came to be added.

4. The material on record prima facie reveals that it is not a case of accidental death. On the contrary, statement of Siddharth Kambli reveals that there was an altercation between the Applicant

and deceased, for which the Applicant had deliberately dashed his rickshaw against the deceased while he was walking. The offence is of serious nature. In such circumstances, I am not inclined to grant bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)