

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

CRIMINAL BAIL APPLICATION NO. 848 OF 2022

Bhanu Charansingh Tomar

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Kaushal S. Jani i/b Mr. Nishant Tambe for the Applicant.

Ms. Anamika Malhotra, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No.68 of 2021 registered at Turbhe Police Station, Navi Mumbai for offences punishable under Section 302 of Indian Penal Code, 1860 (for short "IPC").

2. It is a case of prosecution that on 12th February, 2021 there was a quarrel between applicant and deceased. In that quarrel, applicant assaulted deceased with fist and blows due to which deceased had got injuries. Deceased Vinod Patil was moved to Hospital for treatment. On advice of doctor, he was shifted to big

hospital but, before treatment doctor declared him brought dead.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. The deceased had habit of drinking liquor and due to excessive drinking he fell down and got injured. He was shifted to hospital, but he did with co-operate the doctors then, he brought back to the place where he was working. Again he was taken to Private Hospital but, before taking treatment he died. There was no involvement of the applicant in the said crime. Applicant is behind bar for more than 2 years. At the most, a case of applicant may fall under Section 304 (Part-I) of IPC. Hence, requested to allow the application.

4. It is contention of learned APP that applicant beaten up the deceased with fist and blows, due to which, deceased died, while taking treatment. There was involvement of the applicant in the crime. If applicant is released on bail, he may abscond. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and Charge sheet. Applicant and deceased were security guard's in Wadilal Chemicals Limited., Company, Turbhe MIDC, Navi Mumbai. It appears from statement of witnesses that on 11th February, 2021 at

about 9:00 p.m. deceased was found on road under influence of liquor then he was taken to security cabin, but there were injuries on his body, hence he was taken to Municipal Hospital, Vashi. As he was not co-operating with the doctors of the said Government Hospital for treatment hence, he was referred to a Private Hospital. Then, he was brought back to the company's premises again. His health was deteriorated again hence, he was shifted to hospital, but he died on the way to hospital. Thereafter, in investigation it revealed that there was quarrel between deceased and applicant, as deceased had urinated in the cabin due to which applicant got angry and beaten up deceased with fist and blows. Though incident happened on 11th February, 2021, applicant was alive on 12th February, 2021. There is no recovery of weapon at the instance of applicant. Applicant is behind bar for more than two years considering above facts no further custodial interrogation is required.

6. In view of above I pass following order.

ORDER

- i. Application is allowed.
- ii. Applicant Bhanu Charansingh Tomar be enlarged on bail in C. R. No. 68 of 2021

registered with Turbhe Police Station, Navi Mumbai, on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties.

- iii. Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2.00 p.m. till framing of charge.
 - iv. Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - v. Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The application is allowed in the aforesaid terms and is accordingly disposed of.

(SHIVKUMAR DIGE, J.)