

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

ANTICIPATORY BAIL APPLICATION NO. 705 OF 2023

Vishal @ Sonu Kailash Jaiswal
Age : 22 Years, Occupation : Business,
R/o. : Room No.1, Shreya Niwas,
Mohane Road, Near Matoshree College,
Bandar Pada, Kalyan, Thane : 421 103. ...Applicant

vs.

The State of Maharashtra
(Through Khadakpada Police Station) ..Respondent

Mr.Ravi Gupta, Advocate for the Applicant.
Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 10th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP
2. The FIR is registered on 18th February, 2023 with Khadakpada Police Station under Section 304 of the Indian Penal Code, 1860 [“IPC”] on the complaint of Police Inspector Shri.Jine. It is in respect of death of Ganesh Prasad Gupta. Earlier, there was information

given to the Police and it was registered as an accidental death. Intimation was given by Anju being the wife of the deceased.

3. On 23rd April, 2020, the deceased had gone to Ambernath for bringing the grocery articles. While he was on his way, he sat at Bandarpada, Shahad, Kalyan. He was facing with some breathing problem. The residents were afraid as it was a COVID period and the deceased was not known to them. The deceased stood up and started going towards the nearby residents as a result, the present Applicant hurled chair towards the deceased. He received injuries to head. While undergoing the treatment, he expired on 23rd April, 2020.

4. Recently, the Police received the post mortem report opining that head injuries is the cause of death.

5. The Police have already investigated into the matter from 23rd April, 2020 and except chair, no weapon was used. Custodial interrogation is not required. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) In case of arrest in connection with C.R.No.66 of 2023 registered with Khadakpada Police Station, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.

(iii) The Applicant to give attendance to Khadakpada Police Station on first Monday of every month from 10.00 to 12.00 noon till filing of charge-sheet.

6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]