

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

ANTICIPATORY BAIL APPLICATION NO. 724 OF 2023

Prakash Punju Patil

Age : 51 Years, Occu. : Service,

R/at : AL-1/516, Shiv Chatrapati Apartment,

Sector-16, Airoli, Navi Mumbai.

...Applicant

vs.

The State of Maharashtra

[At the instance of the P. I. -

Koparkhairane Police Station,

Navi Mumbai, vide C.R.No.359 of 2022]

...Respondent

Mr.Aniket Ujjwal Nikam a/w Mr.Piyush Toshnival a/w Mr.Varad Ozarkar a/w Mr.Abdul Quadir Auti i/b. Mr.Aashish Satpute, Advocate for Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

Mr.Vishal Sawant – CID – Kokan Bhavan – Navi Mumbai.

CORAM : S. M. MODAK, J.

DATE : 10th MARCH, 2023

P. C. :-

1. Heard learned Advocate Shri.Aniket Nikam for the Applicant and learned APP Shri.H.J.Dedhia for the Respondent-State.

2. The Applicant is apprehending an arrest in connection with C.R. No. 359 of 2022 registered with Koparkhairne Police Station on

11th August, 2022 for the offences punishable under Sections 304, 166 read with 34 of the Indian Penal Code, 1860 [“IPC”]. It is in respect of death of one Dinesh Devraj Chavan. The FIR is lodged by Deputy Superintendent of Police – Crime Branch. She conducted an enquiry as the death which was in the Police Station – Koparkhairne. After enquiry, she has concluded that the present Applicant and other two Police Constables were responsible for the death of the deceased. It was revealed by viewing C.C.T.V., footage that all these three persons beat the deceased in the Police Station.

3. Whereas, the Applicant has got different story to tell. There is an FIR registered at the same Police Station on 13th August, 2021 at C.R. No. 232 of 2021 under Sections 457 and 380 of IPC. It is against an unknown person. During the intervening night of 12th August, 2021 and 13th August, 2021, when the First-Informant has slept in her house, she noticed that the mobile handset belonging to her and her husband was not found at the spot. She apprehended about some theft. She saw one person sleeping. She shouted for help. The neighbours came there and then Police were called. There is a statement given by one Rakesh Annasaheb Chavan - the resident of the same locality. On 13th August, 2021, he saw one person

standing near the compound having some stomach pain. He felt that the said person must have falling from the scaffolding. The said Rakesh also came to know from Suraj about the theft committed in his house.

4. Whereas, the cause of death is paritoneal haemorrhage and and clots due to splenic rupture. Learned Advocate Shri.Nikam invited my attention to Page No.836 of Modi's Medical Jurisprudence. According to him, the ruptured spleen, if a person may fall is possible from great height. He wants to submit that the alleged beating by the present Applicant cannot be an instrumental for the death. Learned APP invited my attention to the injuries noticed in column No.17 and also shown me the documents thereby mentioning how the present Applicant along with others have beaten the deceased in the Police Station.

5. Even though, it may be true that from the statement of said Rakesh that the said thief might have fallen and even though it may be true that post mortem has mentioned about rupture splenic, we cannot overlook the various injuries on the body of the deceased as noticed in column No. 17. Even, final cause of death is not given, we cannot overlook the fact that there are C.C.T.V., footage evidencing

beating by the present Applicant along with two others. Hence, I do not think that case for anticipatory bail is made out.

6. Hence, it is rejected.

[S. M. MODAK, J.]