

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

CRIMINAL BAIL APPLICATION NO. 3934 OF 2024

Anand Bhimrao Shirsath

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Rajendra Shirodkar, Senior Advocate with Archit Sakhalkar
Advocate for Applicant.

Mrs. S. M. Yadav, APP for State-Respondent.

Mr. Ganesh Shinde, API, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 17th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.64 of 2024 registered with Uran Police Station, Navi Mumbai for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860.
- 3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that evidence is available to the effect that the applicant and other accused persons assaulted the deceased with fists and blows. On 3rd March, 2024 the incident took place and on 5th March, 2024 the

deceased died. The PM report show the nature of injuries namely abrasions and one fracture. It has also come on record that the Doctor who examined him immediately after the incident advised the deceased to get hospitalised but he refused it and left the hospital.

4) There is no document showing the injuries during first medical examination. There was an intervening day between incident and death of the deceased.

5) Furthermore, on the point of motive after going through the allegations in the complaint, it is evident that there was an altercation just before the alleged assault and it was for the reason that the deceased who was working as a driver on a Container owned by the present applicant, refused to hand over the keys of the Container and also the documents though he informed to the applicant that he did not want to continue in employment with the applicant.

6) There is nothing on record to prima facie suggest that there was any intention or motive of the applicant to eliminate the deceased. In the circumstances, though the learned APP has strongly opposed the application, I am of the opinion that as the charge-sheet has been filed, further custody of the applicant is not required. Accordingly, I pass the following order.

ORDER

- i The Bail Application is allowed;
- ii It is directed that the Applicant shall be released on bail in Crime No.64 of 2024 registered with Uran Police Station, Navi Mumbai for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R.

Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]