

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

Anticipatory Bail Application No. 2181 of 2024

Sandesh Narayan Shetty
Age 38 years; Occ: Manager,
Residing : 605, Kaivalya Plaza,
Regency Estate, Dawadi, Dombivali(E),
Kalyan, Thane, Maharashtra-421201. ...Applicant
Vs.
The State of Maharashtra
(at the instance of Mumbra Police
Station) ... Respondent

Ms Sana Raees Khan for the Applicant.
Mr Yogesh Y. Dabake, APP for the Respondent – State.
API Rajendra Toradmal, Mumbra Police Station, is present.

**Coram: R. N. Laddha, J.
Date: 8 August 2024.**

P.C.

Heard Ms Sana Khan, the learned counsel appearing on behalf of the applicant and Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant seek anticipatory bail in connection with CR No.1495 of 2024, registered at Mumbra Police Station, Thane, for the offence punishable under Section 304 of the Indian Penal Code.

3. According to the informant, his father struggled with alcohol addiction. On 3 June 2024, the informant's sister-in-law, Aaroahi,

informed him over the phone that his father had passed away at Chhatrapati Shivaji Maharaj Hospital, Kalwa, Thane. Upon arriving at the hospital, he learned that his father had been found lying in front of the Asian Hotel on the same day. Aarohi also mentioned that a labourer from the Asian Hotel had reported seeing the informant's father lying outside the hotel. Subsequently, the father was taken to the hospital, where he was declared dead. The CCTV footage revealed that on 2 June 2024, around 8:28 p.m., the applicant forcefully pushed the deceased, causing him to fall and sustain a head injury that ultimately led to his death.

4. Ms Sana Khan, the learned Counsel for the applicant, submits that the delay of over 15 days in registering the FIR raises serious doubt about the credibility of the case. The applicant had no prior acquaintance with the deceased, and there is no history of enmity or ill-intention that would implicate him in the alleged offence. Even if we consider the allegations at face value, there is no intention or knowledge attributed to the applicant. Furthermore, the alleged act, pushing the deceased, does not meet the criteria outlined in Section 304 IPC.

5. Mr Yogesh Dabake, the learned APP, argues that the applicant intentionally and forcefully pushed the deceased, fully aware that such an action could result in death. As a consequent of this forceful act, the deceased sustained severe head injury and subsequently died. The incident was captured in CCTV camera. The reason/motive behind this

act remains subject to investigation, which is in its early stage.

6. Upon perusing the records, it appears that the deceased sustained a head injury due to a forceful push from the applicant, resulting in a fall and impact with the footpath. The investigation is at a nascent stage, and the motive/reason behind the alleged act by the applicant requires to be investigated. As regards the delay, the FIR itself indicates that the informant became aware of the incident on 17 June 2024, upon reviewing the CCTV footage. Thus, there is no delay in filing the FIR. The custodial interrogation of the applicant is necessary to investigate whether the act was committed intentionally and knowingly. Considering the severity of the offence and the fact that the investigation is in progress, the applicant is not entitled for pre-arrest bail. Accordingly, the application stands rejected.

[R. N. Laddha, J.]