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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1118 OF 2015
IN
CRIMINAL APPEAL NO.680 OF 2015

Smt. Yangayya @ Yangamma Gurayya Battal ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Debahyoti Talukdar for Applicant.
Mr. H.J. Dedhia, APP for the State.

**CORAM: SMT. V.K. TAHILRAMANI, Acting C.J. &
A.S. GADKARI, J.**

16th September, 2015

P.C.:

Heard learned Counsel for the Yangayya @ Yangamma Gurayya Battal-original accused no.4 and the learned APP for the State.

2 Leave to amend. Amendment to be carried out forthwith.

3 The applicant has been convicted under Section 302 read with Section 34 of IPC. The applicant is now seeking bail. There are two eye-witnesses to the incident i.e. PW-2 Batulla

and PW-3 Maladri. Batulla has stated that the incident took place on 13.09.2011 at about 7.00 p.m. At that time Batulla alongwith deceased Narayan and some friends were chitchatting near the well. At that time applicant came to the spot. She abused Narayan. The applicant asked Narayan why he beat her brother. She quarreled with Narayan. Narayan then abused the applicant. Then applicant assaulted Narayan with slipper on the chest. PW-2 Batulla and others tried to pacify them. Thereafter Venkat and Ramanaiyya caught hold of Narayan and Venkat assaulted Narayan twice with sickle. Narayan fell down. The evidence of PW-3 Maladri is on similar lines as that of PW-2 Batulla.

4 From the evidence of the two eye-witnesses it is seen that only role ascribed to the applicant is of assault by slipper. The act of the applicant took place before the other two accused came to the spot and caught hold of Narayan and one of them assaulted Narayan with a sickle. After the applicant assaulted deceased Narayan with a slipper, she has not taken any further part in the incident. It is seen that after the applicant assaulted Narayan with the slipper, PW-2 Batulla and others were trying to pacify them. Thereafter the applicant has not taken any part in

the incident which shows that the applicant did not share the common intention with other two accused namely Venkat and Ramanaiyya.

5 In this view of the matter, we are inclined to grant bail to the applicant. Hence, the following order:

The applicant- Yangayya @ Yangamma Gurayya Battal be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount.

6 The Application is allowed in the above terms.

(A.S. GADKARI, J.)

(ACTING CHIEF JUSTICE)

CERTIFICATE

**Certified to be true and correct copy of the original
signed order.**