

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3054 OF 2022

Ankush Rama Kharat ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Ranjeet Patil for the Applicant.
Ms. M.M. Deshmukh, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 2 DECEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 44 of 2022 registered at Umadi Police Station, Sangli for the offence punishable under Sections 302, 201, 324, 323, 504, 506 r/w. 34 of Indian Penal Code.

3. The applicant is accused No.4 in the alleged crime. It is the case of the prosecution that there was some financial dispute between the deceased and accused Nos.1 to 3. It is alleged that due to said financial dispute on 20th February 2022 the accused Nos.1 to 3 took him to hotel Rajmata at Village Tikodi and assaulted him there by sticks. It is alleged

that after assaulting they left the deceased at the said hotel.

4. The present applicant is the owner of the said hotel Rajmata. According to the prosecution, the applicant had asked the deceased to pay hotel bill. It is alleged that dispute arose between the deceased and the applicant as he refused to pay hotel bill. It is in the said altercation accused No.5 who was there assaulted the deceased by stick, due to which the deceased became unconscious. The deceased was then put in the Bolero Car owned by the present applicant and thereafter on the next date i.e. 21st February 2022 the dead body of the deceased was found in the agricultural field of one Deva Kare, near Tambe Vasti, Tikodi Village, Tal : Jath, District : Sangli.

4. I have heard the learned Counsel for the applicant and the learned APP for the State and perused the FIR.

5. Perusal of the FIR lodged by the son of the deceased shows that initially accused Nos.1 to 3 assaulted the deceased by sticks. I have perused the post-mortem report. There are in all five injuries out of which four injuries are abrasion and one injury is contusion. The cause of death is due to head and face injury. According to the eye witness to the second incident the deceased was under the influence of liquor and was abusing everybody. He refused to pay hotel bill. The alleged assault by the applicant and accused No.5, therefore does not appear to be premeditated. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Ankush Rama Kharat be released on bail in Crime No. 44 of 2022 registered at Umadi Police Station, Sangli for the offence punishable under Sections 302, 201, 324, 323, 504, 506 r/w. 34 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station on once in a month i.e. on first Saturday of every month between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

(N.R. BORKAR, J.)