

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2412 OF 2021

Kalpesh K. Patel

...Applicant

V/s.

Union Territory of Dadra & Nagar
Haveli and Daman and Diu

...Respondent.

Mr. Kuldeep Patil and Mr. Manoj Badgujar i/b Mr. Sagar Kursija for the Applicant.

Mr. H.S. Venegavkar, Standing Counsel a/w. Mr. Bharat Mirchandani for Respondent No.1.

Ms M.M. Deshmukh, APP for the State.

CORAM : N.R. BORKAR, J.
DATE : 14.11.2022.

P.C. :

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

2. The applicant came to be arrested in C.R.No.2 of 2021 registered at Nani Daman Police Station for the offences punishable under Section 302 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 7 January 2021, the present applicant along with other co-accused assaulted the deceased and committed his murder.

4. I have heard the learned Counsel for the applicant and the learned Standing Counsel for the respondent - Union Territory of Dadra & Nagar Haveli and Daman and Diu.

5. I have perused the charge-sheet and more particularly, the statement of eye-witness namely Alkesh Asariya. The deceased was working as labourer at the construction site of one Kannubhai. It appears that the deceased was misbehaving with one co-worker Darshana and therefore he was assaulted. It appears that though the present applicant initially assaulted the deceased by fist and kick blows, however, he prevented the other co-accused from assaulting the deceased, when they started assaulting him by handle of spade. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.2 of 2021 registered at Nani Daman Police Station for the offences punishable under Section 302 read with 34 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]