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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2482 OF 2022**

Abhijit Muthu Gunjal ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Deepak Mishra for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 14 DECEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 577 of 2021 registered at Nigdi police station for the offences punishable under Sections 302, 326 and 506 of Indian Penal Code.

3. According to the prosecution on 5 November 2021 the present applicant assaulted the deceased by waist-belt and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the statement of injured eye-witness.

5. According to the eye-witness, the present applicant assaulted the deceased by waist-belt while he was sleeping on otta in the premises of P.C.M.C., Nigdi, Pune. According to the eye-witness, during assault the deceased fell down from otta. The deceased died of head injury. Prima facie, from the facts and circumstances of the case, it cannot be said that the applicant had intention to kill the deceased, especially when no motive is attributed to him.

6. 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 shall be released on bail in Crime No. 577 of 2021 registered at Nigdi police station for the offences punishable under Sections 302, 326 and 506 of Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)