

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 2884 OF 2022**

Yalappa K. Narute ...Applicant  
V/s.  
State of Maharashtra ...Respondent.

Mr. Vikramsingh Parmar a/w. Mr. Chirag Sonecha for the Applicant.  
Mr. Amit Palkar, APP for the Respondent/State

**CORAM : N.R. BORKAR, J.**  
**DATE : 15.12.2022.**

**P.C. :**

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.216 of 2021 registered at Umadi Police Station, Sangli for the offences punishable under Sections 302, 307 and 329 of the Indian Penal Code (IPC).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The deceased and the present applicant were relatives. According to the prosecution, on the day of incident, which took place on 18 September 2021, the applicant demanded Rs.5000/- to the deceased and as he refused to give the said amount, it is alleged that the present applicant assaulted him by stone.

5. I have perused the alleged Dying Declaration of the deceased. According to the alleged dying declaration, the present applicant assaulted the deceased by stone. However, in the statement of eye-witness Gopal Kale, there is no reference of alleged assault by stone. Even other wise the incident does not appear to be premeditated. 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 Crime No.216 of 2021 registered at Umadi Police Station, Sangli for the offences punishable under Sections 302, 307 and 329 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.

C] Needless to mention that the observations are *prima facie*.

**[N.R.BORKAR, J.]**