

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2532 OF 2022

Yalappa Ramchandra Kamale
Age 35 years, Occ: Crain Operator
R/o Bhandarkavathe, Tal.South Solapur,
Dist.-Solapur.
(at present in Solapur Jail, Dist-Solapur) ... Applicant.

Versus

The State of Maharashtra
Through Mandrup Police Station Respondent.

WITH

INTERIM APPLICATION NO.3467/2022

IN

BAIL APPLICATION NO.2532 OF 2022

Laxmi Hanmanta Koli
Age 30 years, Occ: Household,
R/at Revatgaon, Tal.Indi,
Dist.Vijapur, Karnataka
Presently R/at. Bhandarkavthe,
Tal.South Solapur, Dist.-Solapur ...Applicant/Intervener.

IN THE MATTER BETWEEN:

Yalappa Ramchandra Kamale
Age 35 years ,Occ: Labour
R/at Bhandarkavathe, Tal.South
Solapur, Dist-SolapurApplicant.

Vs.

The State of Maharashtra
(At the instance of Mandrup Police
Station C.R.No.76/2022) Respondent.

Mr Ritesh Thobde for applicant in BA no.2532/2022.

Mr M. G.Patil, APP for State.

Mr Manoj Bagal for Intervenor in Interim Application No.3467/2022.

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CORAM : R. N. LADDHA, J.

DATE : 20 DECEMBER 2022.

P.C.:

For the reasons stated in the interim application, the prayer to intervene in the present bail application is allowed. The Applicant to implead the Intervenor as party Respondent No.2 forthwith. The interim application stands disposed of accordingly.

2. Heard Mr Ritesh Thobde, learned Counsel for the Applicant and Mr M.G.Patil learned Additional Public Prosecutor for the State and Mr Manoj Bagal, learned Counsel for the Intervener/Respondent No.2.

3. By this application, the Applicant is seeking bail in connection with C.R.No.76 of 2022 registered at Mandrup Police Station, Solapur, for the offences punishable under Sections 302, 323 and 504 of the Indian Penal Code.

4. The Applicant was arrested on the date of registration of the crime, i.e. 25.03.2022, and has continued behind bars since then. The Sessions Court rejected the application for bail filed by

the Applicant. The Applicant is the sole accused of the present crime.

5. Mr Ritesh Thobde, learned Counsel appearing on behalf of the Applicant, has invited the attention of this Court to the complaint leading to the registration of FIR. It is submitted that even if the contents of the complaint are to be accepted, the incident in the present case appears to be sudden. It is submitted that there was no previous plan, and the incident seems to have occurred on the spur of the moment. It is submitted that the weapon allegedly used in the crime is already recovered. The applicant has no criminal antecedents. The trial is yet to begin, and the Applicant is ready to abide by the terms that this Court may impose for the grant of bail.

6. Mr M.G.Patil, learned Additional Public Prosecutor appearing for the State, and the learned Counsel for the Respondent No.2 submitted that in this case, the assault on the victim was carried out by means of a stick. There are eyewitnesses to the incident. Further, they submitted that the Applicant had assaulted the deceased on the head, which is corroborated by the Post Mortem report. The weapon stick allegedly used in the crime was recovered from the Applicant.

7. This Court has perused the copy of the charge sheet filed along with the accompanying documents. The first informant is the daughter of the deceased Sangappa. It is the case of the prosecution that on 25.3.2022, the present Applicant made

a grievance to the first informant that her father deceased was used to abuse him and asked her to give understanding to him and also told her that if he beat her father, he would die. Further, it is the case of the prosecution that at about 1.30 p.m. the deceased was standing near the woodenware house, at that time, the Applicant assaulted the deceased with stick. He was brought to the hospital. However, he succumbed to the injuries. It appears that the Applicant did not carry the stick with him. He simply picked up the stick from the spot and inflicted blows on the victim, perhaps in the heat of the moment.

8. There are no criminal antecedents of the Applicant, and the apprehension expressed on behalf of the Respondent-State about the possibility of tampering with the witnesses, can be addressed by imposing appropriate conditions. Considering the nature of the incident and the fact that the charge sheet has been filed and the Applicant has remained behind bars for almost nine months, this Court is inclined to allow this application by imposing appropriate conditions. Hence, the following order.

ORDER

- a) The Applicant Yalappa Ramchandra Kamale be released on bail in connection with C.R.No.76 of 2022, registered at Mandrup Police Station, on furnishing a P.R. Bond in the sum of Rs.25,000/-

with one or two sureties in the like amount to the satisfaction of the concerned Court.

- b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- c) The Applicant shall furnish the permanent address and contact details to the Inspector of the concerned Police Station and intimate the change, if any.
- d) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

9. Needless to say, violation of any of the aforesaid conditions will make the Applicant liable for cancellation of bail.

10. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

11. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]