

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 BAIL APPLICATION NO.1710 OF 2023

PRAKASH RAMA MURKUTE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Menezes Joslyn A.
APP for Respondent : Mr. K.S Patil

CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 13, 2023

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.9 of 2023 registered with Ashti police station, District Beed for the offences punishable under sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and sections 37(1) and 37(3) of the Maharashtra Police Act.

2. Investigation was set in motion on the basis of the complaint given by Nana Survase. It is alleged that on 6.1.2023 at about 8 pm informant and others had been to the house of Santosh Survase. Accused persons were present at his house. Thereafter, the accused Akshay Murkute closed the gate of the house and took out iron rod, sword and wooden logs and made assault. It is alleged that accused Santosh Survase and Sourabh Jadhav hit on head of Tatya using iron rod. Accused Akshay hit sword on the head of the informant. Similarly, accused Sagar, Prakash, Ranjit, Aditya and Pravin

aaa/-

made assault using wooden log. On the basis of the said information, crime no.9 of 2023 was registered against in all 10 accused persons. Pertinently, the incident in question is video-graphed in CCTV footage. Transcript of CCTV footage is made part of the charge-sheet.

3. Learned advocate appearing for the applicant would submit that perusal of the transcript of CCTV footage shows that although presence of the applicant can be seen at the spot, no role is attributed against him in the assault. He would therefore submit that the applicant cannot be attributed role in commission of the charged offences. He would submit that this Court in BA No.790 of 2023 enlarged accused Ranjit @ Chotya on bail observing that CCTV footage do not depict any role against him. Hence, he is entitled for the same treatment.

4. Learned A.P.P. strongly opposes the application on the ground that all the accused persons have raised assault against the deceased and others. Presence of the applicant can be seen in the CCTV footage. Section 149 of the IPC is invoked. The applicant was part of unlawful assembly. Hence, he opposed the prayer.

5. Having considered the submissions advanced, apparently, the CCTV footage is made part of the charge-sheet. Transcript is placed on record. Although, presence of the applicant is shown, no role is attributed against him in commission of the offence. Even, it is not alleged that the

applicant was holding any weapon in his hand. In the similar circumstances, co-accused Ranjit Gunjal is released on bail by orders of this Court. Hence, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant - PRAKASH RAMA MURKUTE be released on bail in connection with Crime No.9 of 2023 registered with Ashti police station, District Beed for the offences punishable under sections 302, 307, 326, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and sections 37(1) and 37(3) of the Maharashtra Police Act on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend each and every effective date before the trial court.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

...