

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1801 OF 2022

Sitaram Ramkaran Bagari ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. P. B. Gujar for the Applicant.

Mr. P. H. Gaikwad Patil, APP for the State.

CORAM : N.R. BORKAR, J.

DATE : 09.02.2023.

P.C. :

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

2. The applicant came to be arrested in Crime No.132 of 2021 registered at Faraskhana Police Station, for the offence punishable under Section 302, r. w. 34 of the Indian Penal Code and under Section 37(1)(3) r. w. 137 of the Maharashtra Police Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

4. It is alleged that on the date of incident, which took place

on 27th July, 2021 the deceased, who was beggar, was peeping in the hut of the applicant and other co-accused. It is alleged that the applicant and other co-accused therefore came out of their hut and assaulted the deceased by stick and committed his murder.

5. Prima facie the incident does not appear to be pre-meditated. It appears from the statement of eye witness that while the alleged incident was going on the police patrolling party came there and they told the deceased to go away from there.

6. If the deceased was injured in the alleged incident, then it is not understood as to why he was not taken to the hospital by patrolling party.

6. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

A) The Application is allowed.

B) The applicant be released on bail in Crime No. 132 of 2019 registered at Faraskhana Police Station, for the offence punishable under Section 302, r. w. 34 of the Indian Penal Code and under Section 37(1)(3) r. w. 137 of the Maharashtra Police Act 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) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

[N.R. BORKAR, J.]