

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1788 OF 2022

Rahul Mohanrao @ Manmath More ...Applicant

V/s.

The State of Maharashtra ...Respondent.

WITH

INTERIM APPLICATION NO. 3413 OF 2022

Mr. Aniket U. Nikam a/w. Mr. Varad Ozarkar, Mr. Abdul Qadir Auti i/b
Mr. Amit Icham for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

Ms Tanvi Tapkire for the Intevenor.

CORAM : N.R. BORKAR, J.
DATE : 15.03.2023.

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.55 of 2022 registered at Miraj Police Station, Dist. Sangli for the offences punishable under Sections 302, 452, 323, 504 and 506 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The deceased was the father of complainant. According to the prosecution, on the date of incident which took place on 10 February 2022, the applicant came to the shop of the complainant and told him to remove the portion of shade, which was erected by encroaching upon his plot of land. It is alleged that on account

of said issue, altercation took place between the complainant and the applicant and during the said altercation the applicant started abusing the complainant in filthy language. It is alleged that the deceased, who was there, and when he was trying to pacify the applicant, at that time, the applicant kicked him on his chest due to which he fell down. The deceased was taken to hospital, however, he was declared brought dead.

5. *Prima facie*, the incident does not appear to be premeditated. The applicant is in jail for 1 year. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail on certain conditions. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 55 of 2022 registered at Miraj Police Station, Dist. Sangli for the offences punishable under Sections 302, 452, 323, 504 and 506 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] The applicant shall not enter into the limits of Sangli Miraj Municipal Corporation except to attend the dates before the trial Court till conclusion of the trial.

6. The Interim Application for intervention is disposed of.

[N.R.BORKAR, J.]