

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2714 OF 2023**

Rupesh N. Batavale ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Gaurav Parkar for the Applicant.
Ms S. E. Phad, APP for the Respondent/State.
API Ganesh Karad, Tala Police Station present.

**CORAM : N. R. BORKAR, J.
DATE : 30 MARCH 2024.**

PC:-

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.48 of 2022 registered at Tala Police Station, Raigad for the offences punishable under Sections 302, 326, 341, 323, 504, 506 and 427 read with 34 of the Indian Penal Code (IPC).
3. It is the case of prosecution that on the date of incident which took place on 23.05.2022, the present applicant and other co-accused assaulted the deceased by stone and iron-pipe and committed his murder, on account of previous dispute.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. According to the first informant Moreshwar Dhadwe, who was with the deceased at the time of alleged incident, there were only two assailants, i.e., the present applicant and co-accused Ganesh Batavale. However, according to the dying declaration of the deceased there were four assailants. After investigation, the prosecution exonerated two assailants. It appears that after the alleged incident, the deceased was initially taken to Primary Health Center (PHC), Tala and thereafter to Sub. District Hospital, Mangaon. The prosecution along with charge-sheet has filed the injury certificates issued by P.H.C. Tala and Sub. District Hospital, Mangaon. Perusal of injury Certificate issued by P.H.C. Tala reveals only three injuries. Similarly, perusal of the injury certificate issued by Sub.District Hospital, Mangaon reveals four injures. However, during the Post-Mortem examination, multiple injuries were found on the person of deceased.

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

O R D E R

A] The Application is allowed.

B] The applicant be released on bail in Crime No.48 of 2022 registered at Tala Police Station, Raigad for the offences punishable under Sections 302, 323, 341, 325,

504, 506 and 427 read with 34 of IPC 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 Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)