

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3889 OF 2015.

APPARAO PUNDLIK BHURKE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Sudarshan J.Salunke, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **12th August, 2015.**

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.15/2015 registered with Police Station, Manatha, Taluka – Hadgaon, District – Nanded for the offences punishable under Section 302 of the Indian Penal Code.

[2] Heard Mr. Sudarshan Salunke, learned counsel for the Applicant and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor.

[3] Investigating Officer has already completed the investigation and filed the charge-sheet in the court of law.

Present Application for bail is strongly opposed by Smt. Chincholkar, the learned Additional Public Prosecutor on the ground that, present Applicant himself has lodged the First Information Report, in which he has stated that he has killed his wife.

[4] According to the First Information Report, which the Applicant himself has lodged, his wife - deceased Chandrakala was having illicit relations with Gangadhar Kashiba Dukare. According to the First Information Report, on 16th March, 2015, he saw deceased Chandrakala and Gangadhar in a compromising position, therefore, in the heat of anger the Applicant assaulted Chandrakala.

[5] Investigation is already over. Charge-Sheet is already filed. Prima facie, the Applicant is entitled to take the benefit of exception no.1 of Section 300 of the Indian Penal Code. In that view of the matter, discretion can be exercised in favour of the Applicant. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - APPARAO PUNDLIK BHURKE shall be released on regular bail on he executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.15/2015 registered with Police Station, Manatha, Taluka – Hadgaon, District – Nanded for the offences punishable under Section 302 of the Indian Penal Code.

(iii) Bail before trial court.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)