

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

**CRIMINAL APPLICATION NO. 5742 OF 2015
IN
APEAL/62/2014**

TRIMBAK SAKHARAM SODGIR.
VERSUS
THE STATE OF MAHARASHTRA.

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Advocate for Applicant : Mr V D Sapkal h/f Mr. N R Pawade
APP for Respondents: Mr S G Karlekar
Advocate for Respondent 2 : Shri S.B. Bhapkar (in appeal)

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: November 23, 2015

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PER COURT :-

1. Mr. Sapkal, the learned counsel for the applicant submits that, earlier application for bail is rejected, however, considering the fact that more than 22 months the applicant is in jail and, also the fact that the applicant is the only earning member the present application is filed.

2. According to the learned counsel, if prosecution case is considered the offence was committed under sudden provocation. Even Doctor is examined, who has not stated that injury caused would be cause of death. According to the learned counsel, said aspect be considered. Learned counsel, in alternate, submits that the appeal be fixed for final hearing.

3. We have heard learned APP.

4. Earlier application for bail has been rejected on merits. In light of that, present application cannot be considered. Present application, as such, is rejected.

5. Considering the submissions made, fix the appeal for final hearing in the week commencing from 7th March, 2016.

6. Criminal Application is disposed of.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-