

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 433 OF 2015

Satish Dyaneshwar Tapkir	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vikas B, Shivarkar, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 30th March, 2015.

P.C.

This Application is moved for bail, as the applicant/accused is charged for the offence punishable under section 302 for committing murder of his wife who was having illicit relation with one witness. The applicant/accused found that on midnight when he entered, other person took exit from the backside and therefore, he realized that his wife was not loyal to him. Thereafter he took his wife and two children to his sister's house and kept his children there and told his sister that he is dropping his wife to her maiden home. In transit, he strangled and killed her. The applicant was taken in custody on 30th June, 2014. Hence, this Bail Application.

2. The learned counsel for the applicant/accused submitted that the applicant/accused has acted out of sudden provocation. He himself

approached to the police and surrendered. He has no criminal antecedents. He has responsibility of his two children and therefore, he is to be released on bail.

3. The learned APP opposed the Application. She submitted that there is evidence against the applicant/accused to show that he has committed the murder of his wife and has also threatened the other person with whom his wife was having illicit relations that he would kill him when he would be released from jail.

4. It appears *prima facie* that the applicant/accused has committed offence as he got enraged because his wife was not loyal to him. He is having the responsibility of two children. He himself surrendered to the police on the same day of murder. However, considering the gravity of offence, at this stage, the applicant cannot be bailed out. Hence, the Application for bail is rejected with liberty to move fresh Bail Application after 9 months.

(MRS. MRIDULA BHATKAR, J.)