

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2192 OF 2015

Saudagar Dagadu Rokade .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicant

Mrs.G.P.Mulyekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks
his enlargement on bail in connection with
C.R.No.168 of 2015 registered with the Karmala
Police Station, District – Solapur, for the alleged
offence punishable under Section 302 of the Indian
Penal Code.

3. The Applicant, aged 77, is the husband of the deceased. The Complainant is the son of the deceased. He has alleged in the FIR, that the deceased who was his step-mother would regularly quarrel with all members of the family. He has stated that on 29.06.2015 at around 11.00 a.m. his father (the Applicant) was quarreling with his step-mother. He has stated that the Applicant was trying to make his step-mother understand, however, she started abusing him. He has stated that when he returned home in the evening, he saw his step-mother lying still in an injured condition. He has stated that when he asked her as to what had happened, she disclosed to him that the Applicant had assaulted her with a wooden log. Pursuant thereto, the first informant took her to the hospital. However, she succumbed to the injuries. He has stated that on account of the quarrel that took place between the Applicant and the step-mother, in a fit of anger, the Applicant assaulted

his step-mother.

4. Learned counsel for the Applicant states that the incident took place in a fit of anger and was not a premeditated act. He submitted that considering the age of the Applicant and the manner in which the incident took place, the Applicant may be enlarged on bail.

5. Learned APP opposed the Bail Application. She submitted that there was an oral declaration made by the deceased to the first informant.

6. Perused the papers. Prima facie, the incident appears to have taken place pursuant to a quarrel, in a fit of anger, in which the Applicant assaulted the deceased with a wooden log. The injuries sustained by the deceased are :-

- (i) CLW 1 x 1 cm over right side of temporo occipital joint;

- (ii) Contusion 8 x 7 cm around right temporo occipital region around above injury.

7. Considering the manner in which the incident took place and the age of the Applicant, the Applicant deserves to be enlarged on bail on the following terms & conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount.

8. The Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy
of this order.

(REVATI MOHITE DERE, J.)