

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

BAIL APPLICATION NO. 2117 OF 2018

Ganesh Khade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Swapnil Ovalekar, Advocate appointed through Legal Aid for the Applicant.

Mr. N.B.Patil, APP for the State.

Mr. A.A.Shinde, PSI, Manchar Police Station, present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 10, 2018.

P.C.

1. This is an application under Section 439 Cr.P.C. filed by an undertrial prisoner, who is facing trial in Sessions Case No. the aforesaid applicant, who is facing trial in case arising from Crime No. 29 of 2016 registered with Aund Police Station for offences under Section 302, 504, 506 of Indian Penal Code.

2. Heard Mr. Ovalekar, the learned Counsel for the applicant and Shri Patil, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for

the respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by Smt. Vandana Dhole, mother of deceased Priyanka. Said Priyanka was married to the applicant herein about 8 years prior to the incident. They have two children from the said wedlock. The FIR reveals that about eight days prior to the incident Priyanka had come to her matrimonial home. On 13th April, 2016, the applicant came to take his wife Priyanka to her matrimonial house. Priyanka told him that she would return after the exams of her son Shreyas. Ince the house was small, during the night, the applicant slept in the courtyard, while she and her daughter and grandchildren slept inside the house. She has stated that in the morning at about 6.15 a.m. the applicant started knocking the door. When her son Shrikant opened the door, the applicant entered the house and saw that his wife Priyanka was sleeping. He went out of the house and returned with a stone and smashed the stone on the head of Priyanka and thereafter ran away from the place of incident.

4. The post-mortem report indicates that said Priyanka had

sustained fracture to skull and that she expired as a result of the head injuries.

5. The FIR also reveals that the applicant herein is involved in causing death of his wife. Thus, there are reasonable grounds to prima facie believe that the applicant is involved in committing an offence punishable with death or imprisonment for life. Considering the gravity of the offence, in my considered view, this is not a fit case for grant of bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)