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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.23 OF 2019

Jyotiram @ Ashok Saudagar Kshirsagar ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Ritesh Thobde for the applicant.

Smt.Rutuja Ambekar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 28, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.505/2017 for offence punishable under sections 326 and 307 of the Indian Penal Code registered with Barshi police station, District Solapur, the applicant is seeking regular bail.

3. Learned counsel for the applicant submits that investigation depicts that the incident has occurred after a quarrel took place between the applicant and his wife. As such, the theory of sudden provocation can be invoked in favour of the applicant.

4. Learned APP opposed the claim of the applicant.
5. Considering the contents of the F.I.R., statement of the daughter of the applicant recorded under section 164 of Criminal Procedure Code and seizure of blood stained weapon from the spot, it is sufficient to infer the involvement of the applicant in the crime for an offence punishable under section 307 of the Indian Penal Code.
6. In view thereof, no case for bail is made out. The application is rejected.
7. The above observations made are *prima facie* in nature and the trial Court may not be influenced by the same during the trial.

(NITIN W. SAMBRE, J.)