IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1645 OF 2019

Sunil Pandurang Marathe ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. S.B.Manikhedkar for the Applicant.
Mr. Y.M.Nakhwa, APP for the Respondent-State.
PSI Yamgar attached to Sahar P.Stn. Present.

CORAM : SANDEEP K. SHINDE J.
DATE : 22nd JANUARY, 2020

P.C. :

Heard.

2 The contention is without pre-mediation in a sudden fight and in heat of passion, incident had taken place. Therefore, argument is, it is the case falling within the exception 4 (i.e. Sudden Fight) under Section 300 of the Indian Penal Code, 1860, i.e., culpable homicide not amounting to murder. Be that as it may, eye witnesses suggest in altercation, applicant strangulated the deceased

in the result whereof, he fell down. Same is the narration by the complainant, who is brother of the deceased.

3 The learned Sessions Court declined to release the applicant on bail having found that the death was probably due to strangulation. Prosecution has produced final opinion as to cause of death, as shock due to head injury (unnatural). Applicant is in custody since December, 2018. Prima-facie, evidence suggests, offence was not pre-mediated but occurred in the heat of passion on sudden quarrel.

4 The learned APP on instructions submits that yet charge has not been framed. In view of the facts and circumstances and nature of accusation, the learned Trial Court is directed to conclude the trial preferably before 31st December, 2020. If the trial is not concluded on or before 31st December, 2020, the applicant is at liberty to renew his request for enlargement on bail.

5 Application is disposed off with aforesaid direction.

6 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of deciding bail application and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)