

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1244 OF 2021

Malgonda Raigonda Patil ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Sejal A. Hariyan instructed by Mr. Padmanabh D. Pise for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

Ms. Sonali Mali, PC, Miraj City Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 23 NOVEMBER 2022

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 447 of 2019 registered at Miraj City Police Station, for the offence punishable under Sections 302 of Indian Penal Code.

3. The deceased was the wife of the present applicant. It is alleged that the deceased used to suspect character of the present applicant because of which there used to be frequent quarrels between them. According to the prosecution, on the date of incident which took place on

30th October 2019 at about 5.30 p.m. again quarrel took place between the deceased and the present applicant and in the said quarrel the present applicant assaulted the deceased by sickle and committed her murder.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that there is no direct evidence in the matter. It is submitted that the alleged extra judicial confessions are not reliable. The learned Counsel for the applicant further submits that the applicant is in jail for more than 2½ years and his further detention is not necessary as the investigation is over. The applicant therefore may be released on bail.

6. On the other hand, the learned APP for the State submits that there is evidence against the applicant in the form of his extra-judicial confession. It is submitted that the applicant has assaulted the deceased brutally. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Admittedly, before occurrence of the alleged incident the deceased and the present applicant were married for 22 years. I have perused the charge-sheet and more particularly the alleged extra judicial confession. Prima facie, the incident does not appear to be premediated. The applicant is in jail for more than 2½ years. I am therefore inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Malgonda Raigonda Patil be released on bail in Crime No. 447 of 2019 registered at Miraj City Police Station, for the offence punishable under Sections 302 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.
- (iv) The applicant after his release shall furnish his residential address to the Investigating Officer.

(N.R. BORKAR, J.)