

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO. 1744 OF 2020**

Suryakant Maruti Jadhav ... Applicant

Versus

State of Maharashtra at the instance of  
Khandeshwar Police Station ... Respondent

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Ms. Sapna Rachure for the Applicant.  
Mr. A.R. Kapadnis, APP for the State.

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**CORAM : N.R. BORKAR, J.**

**DATED : 17 OCTOBER 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. 212 of 2020 registered at Khandeshwar Police Station, Navi Mumbai for the offence punishable under Sections 302 of Indian Penal Code.

3. The deceased was the wife of the present applicant. It is the case of the prosecution that the present applicant was suspecting the character of the deceased and thus used to quarrel with her. It is alleged that on 8<sup>th</sup> September 2020, the present applicant committed murder of the deceased by strangulation.

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 even if the case of the prosecution is accepted as it is at the most it would constitute the offence punishable under Section 304 part II of the Indian Penal Code. It is submitted that the applicant is in jail for more than two years. It is submitted that the investigation is over and thus further detention of the applicant is not warranted.

6. On the other hand, the learned APP for the State submits that there are eye witnesses to the alleged incident. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the statement of Shrushti Suryakant Jadhav, the daughter of the deceased and present applicant who according to the prosecution is eye-witness to the incident. According to her, at the time of alleged incident, the present applicant and deceased were quarreling. During the said quarrel, the deceased slapped her and her brother – Shivam. The present applicant thus got annoyed and strangled the deceased, by towel. Prima facie, case appears to be of culpable homicide not amounting to murder. Applicant is in jail for more than two years. Considering these facts and as the investigation is over, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant – Suryakant Maruti Jadhav be released on bail in Crime No. 212 of 2020 registered at Khandeshwar Police Station, Navi Mumbai 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.

( N.R. BORKAR, J. )

KANCHAN  
PRASHANT  
DHURI

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by KANCHAN  
PRASHANT  
DHURI  
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