

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.1363 OF 2022

Maroti Vitthal Aarke .Vs. State of Maharashtra, through P.S.O., P.S. Arni, Tq. Arni,
Dist. Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.M. Daga, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/12/2022

1. Heard.
2. The applicant is seeking bail in Crime No.261 of 2022, registered with Police Station: Arni, District: Yavatmal, for the offences punishable under Sections 302 of the Indian Penal Code.
3. In this Crime, the allegations against the applicant are that, he inflicted blow by knife on the right upper thigh of his wife and due to bleeding, she succumbed to death.
4. After going through the charge-sheet and the statements of witnesses, it is evident that *prima facie* it can be seen that the incident was not premeditated but took place in spur of moment and heat of anger. Even if the knife

blow was not inflicted on the vital part of the body, there was no intention and it is the matter of trial.

5. Moreover, considering the relation between the applicant and the deceased and the fact that the incident was not premeditated coupled with the fact that, only one knife blow was inflicted that on thigh. Though the learned APP strongly opposes the present application, I am of the opinion that as the charge-sheet has already been filed after completion of the investigation and as there is no possibility that in near future, the trial will commence, the applicant should be released on bail with certain stringent conditions.

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No261 of 2022, registered with Police Station: Arni, District: Yavatmal, for the offences punishable under Sections 302 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction village Arni, Dist. Yavatmal, till the culmination of the trial, except for trial.

- d) The applicant shall provide his address along with name of the nearest Police Station and shall attend the concerned Police Station on 1st of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed** of accordingly.

JUDGE