

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 63 OF 2022

Dastagir S. Pathan ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Shailesh Chavan a/w. Mr. Pruthviraj Chavan and Mr. Sumant Patale and Mr. Ravikiran Bhamare for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 23.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.309 of 2020 registered at Jejuri Police Station, Pune for the offences punishable under Sections 302 and 201 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The deceased was the wife of applicant. According to the prosecution, on the date of incident, which took place on 8 September 2020, the applicant assaulted the deceased by wooden bat and committed her murder.

5. The learned counsel for the applicant submits that according to the prosecution, the applicant was annoyed with the deceased as she was not taking his care and thus assaulted her. It is submitted that the applicant is aged about 65 years old and is in jail for more than two years. It is therefore, submitted that the applicant may therefore, be released on bail.

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

7. It is not disputed that the applicant is aged about 65 years and is in jail for more than two years. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 309 of 2020 registered at Jejuri Police Station, Pune for the offences punishable under Sections 302 and 201 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]