

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2205 OF 2022

Tousif Noorhasan Havari

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Aniket Nikam i/b Mr. Amit Icham for the Applicant.

Mrs. Rutuja Ambekar , APP for the Respondent/State

CORAM : N.R. BORKAR, J.
DATE : 19.01.2023.

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. 441 of 2021 registered at Khadak Police Station, Pune for the offence punishable under Section 302 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
5. The deceased was the wife of present applicant. The deceased and the applicant on the date of incident, which took place on 6 December 2021 were married for 13 years. I have perused the statements of the sons of deceased and the present applicant who according to the prosecution are eye-witnesses to the alleged incident. It appears from their statements that on the date of alleged incident in a sudden quarrel the present applicant

assaulted the deceased. *Prima facie*, the incident does not appear to be *premeditated*. Considering 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] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.441 of 2021 registered at Khadak Police Station, Pune for the offence punishable under Section 302 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.]