

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4380 OF 2021

Sandeep Tanaji Dongre

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Makarand Kale, Advocate for the Applicant.

Ms. Pallavi N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. I-188 of 2020 registered with Kopar Khairane Police Station for offence punishable under Section 302 of Indian Penal Code, 1860.
2. It is prosecution's case that applicant had assaulted his wife with wooden stick on her head and due to the said assault, she died on the spot.
3. It is the contention of learned counsel for applicant that the incident happened in the spur of moment. The incident is witnessed by the son of applicant. In his statement, he has stated that incident happened suddenly in spur of moment. Applicant had assaulted

deceased with wooden stick. No weapon was used to assault the deceased. Applicant is behind bar for more than three years, yet charge has not been framed. Hence, requested to allow the application.

4. It is the contention of learned APP that there used to be quarrels between applicant and deceased. Applicant had assaulted deceased with wooden stick. The incident is witnessed by the son of applicant. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

The incident is witnessed by the son of applicant. In his statement, he has stated that there was quarrel between applicant and deceased due to which applicant assaulted deceased on head with wooden stick. It is further stated that on that day, applicant was supposed to go to other village but as his bus got delayed, he stayed back in the house. At that time, deceased had abused the applicant and on that ground quarrel started between applicant and deceased. It appears that the incident happened in the spur of moment. It was without premeditation. The weapon used for committing the offence is

stick. It appears that applicant had no intention to kill the deceased. Applicant is behind bar for more than three years, yet trial has not commenced. Investigation is completed and charge-sheet has been filed.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail Crime No. I-188 of 2020 registered with Kopar Khairane Police Station on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SHUBHADA
SHANKAR
KADAM

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by SHUBHADA
SHANKAR
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Date:
2023.10.23
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