

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.203 OF 2023

Punnu Shankarrao Uikey Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri H.D. Futane, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 3, 2023.

This is an application under Section 439 of the Code
of Criminal Procedure (Code).

2. The applicant has been arrested on 04.06.2022 in Crime No.342/2022 registered with Police Station, Chandur Bazar, Amravati Gramin, Dist. Amravati for the offence punishable under Section 302 of the Indian Penal Code (for short, 'IPC').

3. The accusation against the applicant is that the applicant has committed murder of his own wife. The statement of his neighbour recorded on 04.06.2022 show that on 03.06.2022 he heard noise of quarrel between applicant and his wife. The witness ignored on the ground of routine quarrel. After some time, quarrel stopped. The applicant came out of the house and informed the witness that there occurred quarrel between him and his wife. His wife abused him. The applicant got annoyed and in the heat of the moment assaulted his wife and gave blow on her throat by kick blow. The wife fell down unconscious. The witness accordingly informed the incident to the Police Patil. The villagers came to the house of applicant

and found that his wife was lying unconscious. She was removed to the hospital, where she has declared dead.

4. Learned counsel for the applicant submits that the offence is not predetermined. He further submits that there are no criminal antecedence against the applicant. He further submits that the applicant has eight months child as also parents to look after.

5. Learned APP submits that accusation is serious and there is no reason to kill his own wife.

6. True it is that accusation against the applicant is serious. The assault appears to be out of annoyance and in the heat of the moment. There is, however, no direct evidence of involvement of the applicant. The only evidence is an extra judicial confession. The applicant is not habitual offender.

7. When enquired as to where is the applicant's child, learned counsel for the applicant submits that the child is with his in-laws. Thus, the child is being looked after by the in-laws. The question now remains is of the parents of the applicant. As such there is nothing on record to indicate that the parents of the applicant are suffering from any ailment, however the learned counsel for the applicant submits that he is the only son.

8. The charge-sheet is filed. The charge is not yet framed. It will take time to commence and conclude the trial. On enquiry of antecedence, the learned advocate for the applicant submits

that there are no criminal antecedence against the applicant. The applicant is staying since long at the address given in the application.

9. Considering the above facts and further there being no direct evidence and therefore considering the presumption that the person accused of commission of a crime is considered innocent until proven guilty, in my considered view no fruitful purpose will be served by keeping the applicant behind bars. The interest of the prosecution can be protected by putting the applicant to appropriate terms.

10. The observations made in this order are *prima facie* in nature and are made for deciding the present application only. The learned trial Judge shall not get influenced with the above observations.

11. Resultantly, the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Applicant- Punnu Shankarrao Uikey, be released on bail, in Crime No.342/2022 registered with Police Station, Chandur Bazar, Amravati Gramin, Dist. Amravati for the offence punishable under Section 302 of the Indian Penal Code, on he furnishing P.R. Bond in the sum of ₹50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not

change the same till the final disposal of the case.

(iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall maintain law and order.

(vii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of in the above terms.

JUDGE

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