



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (BA) NO.596 OF 2023

Satish alias Kishor s/o Madhukarrao Kalbande 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 R.M. Daga , Advocate for applicant.

Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 09, 2023.

The applicant is seeking bail in connection with Crime No.495/2022 registered with Police Station, Chandur Bazar, District Amravati for the offences punishable under Sections 302 and 309 of the Indian Penal Code.

2. Heard learned counsel for the applicant as well as learned APP for the non-applicant/State. I have perused the charge-sheet.

3. The allegation against the applicant is that the applicant committed murder of his wife, by stabbing knife the throat of the deceased and thereafter he tried to commit suicide.

4. It is contended on behalf of the learned counsel for the applicant that the deceased was having illicit relationship with third person. There is no direct evidence in the present crime. According to him, the applicant suffered nine injuries on his person and the weapon of offence is a kitchen knife.

All these goes to suggest that there was no premeditation with the applicant to commit the murder of his wife. According to him, there is nobody to look after his children. Hence, the applicant be released on bail.

5. *Per contra*, learned APP for the State vehemently opposed the application on the ground that sufficient material available against the applicant, which shows prima facie the applicant is involved in the crime. According to him, the applicant had having motive and there are circumstances which point towards guilt of the applicant, therefore, objected to the bail application.

6. Perusal of charge-sheet shows that the deceased was residing with her son in a rented room at Chandur Bazar. It appears that the deceased was having illicit relationship with one Shivaji Ingale. The applicant used to quarrel on this count. The applicant had went to meet the deceased and also stayed there. As per the prosecution story, a quarrel took place between the applicant and the deceased. The applicant gave a knife blow on her neck. The weapon used in the offence is a kitchen knife. It is also case of the prosecution that after said incident the applicant made an unsuccessful attempt to commit suicide. Postmortem report shows the deceased was having only single injury on her neck. Whether the alleged act is done with premeditation, is a question which can be gone into during the trial. The charge-sheet has been filed. There is no likelihood that the applicant will flee away from justice.

7. Considering the aforesaid material; number of injury and weapon of offence, a case is made out exercising discretion in favour of the applicant. Hence, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. The applicant - Satish alias Kishor s/o Madhukarrao Kalbande, shall be released on bail in connection with Crime No.495/2022 registered with Police Station, Chandur Bazar, District Amravati for the offences punishable under Sections 302 and 309 of the Indian Penal Code, 1860, on furnishing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- iii. The applicant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.
- iv. The observations made in this order are prima facie. The trial Court shall not get influenced by the observations made in this order.

The application is disposed of.

JUDGE

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