



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

CRIMINAL APPLICATION (BA) NO.717 OF 2023

Eknath S/o. Mahadu Wanare

.Vs.

State of Maharashtra, Through PSO, PS Hiwarkhed, Tq. Khamgaon Distt. Buldhana

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

Mr A. J. Thakkar, Counsel for the applicant
Mr Ashish Kadukar, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 08, 2023

1. By this application, the applicant is seeking bail in Crime No. 207 of 2022 registered with Hiwarkhed police station, Buldhana for the offences punishable under Section 302 of the Indian Penal Code.
2. It is the prosecution's case that on 16.12.2022 applicant had assaulted his wife Parvatibai with wooden stick due to sudden quarrel and in the said assault, she died.
3. It is the contention of learned counsel for applicant that incident had happened due to sudden quarrel between applicant and deceased. There was no intention of the applicant to kill the deceased. The deceased was wife of the applicant. The applicant is 83 years old. There was no intention to commit the crime.

Applicant is behind bar for than 11 months. Yet trial has not commenced. Hence, requested to allow the application.

4. It is the contention of learned APP that at the time of incident applicant and deceased were present at home. Due to quarrel between them applicant assaulted the deceased with wooden stick. Due to said assault the deceased died. There is prima facie case against applicant and hence, requested to reject the application.

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

6. It appears that incident happened in spur of moment and due to sudden quarrel between applicant and deceased. Deceased was wife of applicant. It is not prosecution's case that there used to be quarrel between applicant and deceased. It shows that incident had happened in a spur of moment. Applicant is 83 years old. Investigation is completed. Charge-sheet has been filed. Considering this fact, further detention of the applicant is not required hence, I pass following order.

- i) Criminal application is allowed.
- ii) Applicant- Eknath S/o. Mahadu Wanare be released on bail in Crime No.207 of 2022, registered with Hiwarkhed Police

Station, Buldhana on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the trial court on each and every date and co-operate the trial court in expeditious disposal of the trial.

7. The criminal application stands **disposed of**, accordingly.

(SHIVKUMAR DIGE, J.)

Namrata