



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

938 BAIL APPLICATION NO. 66 OF 2024

KIRAN MAHADU MARATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Anand I. Deshmukh.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 31st January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.0110 of 2023, registered with Erandol Police Station, District Jalgaon, for the offence punishable under Section 302 of the Indian Penal Code.

3 The informant, who is the cousin of this applicant, averred in the report that the wife of this applicant Harshada was insisting for divorce, but the applicant was opposing it. Therefore, quarrel used to take place between them since last one year. On 19th June, 2023 at about 11:30 am, quarrel took place between them. Harshada was

proceeding to leave the house. That time, the applicant opposed her. Thereafter, he took an axe in his hand and assaulted on her head and also assaulted by a piece of tile on her head. Therefore, she sustained injury to her head and died on the spot. The report was lodged on the same day.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. He has no criminal antecedents. He will not flee away from the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out the statements of eye-witnesses, who saw the actual assault made by this applicant on the head of his wife by the axe and piece of tile. The incriminating articles are seized from the spot of incident. Considering the serious nature of crime, it is lastly prayed to reject the application.

6 Perused the charge-sheet. The applicant has no criminal antecedents. He will not flee away from the trial. The investigation is over and the custodial interrogation of the applicant is not required further. The trial will take long period. Considering the principle that bail is rule and jail is exception, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.0110 of 2023, registered with Erandol Police Station, District Jalgaon, for the offence punishable under Section 302 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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