

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1745 OF 2023

Suraj Devidas Ugalmugale

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Kajal Upadhyay a/w Mr. Santosh Pandey i/b SBG Law,
for the Applicant.

Mr. P. H. Gaikwad, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 12, 2024

P.C.:

1. Heard Ms. Upadhyay, learned Counsel appearing for the Applicant and Mr. Gaikwad, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	I-81 of 2022
2	Date of registration of F.I.R.	09/04/2022
3	Name of Police Station	Wavi Police Station, Sinnar, Nashik
4	Section/s invoked	302, 307, 324, 498-A r/w 34 of the <i>I.P.C., 1980</i>
5	Date of incident	08/04/2022
6	Date of arrest	24/04/2022
7	Date of filing Charge-sheet	05/07/2022

3. As per the prosecution case, the Applicant assaulted his wife i.e. Informant, his mother-in-law and father-in-law at the house of his father-in-law. As the Applicant expressed his suspicion about the character of the Informant i.e. wife and was abusing her, she left her matrimonial house and moved to reside at her parents' house along with her daughter aged 2 years. The Applicant came to the house of the parents of his wife on the pretext of taking his daughter with him and, therefore, an altercation took place between them and in that altercation the Applicant assaulted his wife, father-in-law and mother-in-law. The Applicant's father-in-law succumbed to the resultant injuries.

4. Ms. Upadhyay, learned Counsel appearing for the Applicant submitted that the incident in question had happened in a spur of the moment and that there was no intention to commit the offence in question. She therefore submitted that the Applicant be enlarged on bail.

5. On the other hand, Mr. Gaikwad, learned APP submitted that there are two eye-witnesses. The Applicant went to the house of his in-laws carrying a knife and, therefore, it is his submission that the offence in question was premeditated. He further submitted that there are two antecedents and there is a recovery at the instance of the present Applicant. Therefore, it is the submission of learned APP that bail be not granted.

6. A perusal of the Charge-sheet shows that there are two eye-witnesses i.e. Informant and mother-in-law. *Prima facie*, there is substance in the contention of learned APP that the Applicant went to the house of his in-laws with a knife and actually assaulted the Informant and her parents with the said knife and therefore the incident in question has not happened suddenly but the crime took place with planning. The father of the Informant succumbed to the resultant injuries. Therefore, this is not a fit case for granting bail.

7. However, as the Applicant is incarcerated since 24th April 2020, the learned Trial Court is requested to conclude the trial expeditiously.

8. The Applicant is granted liberty to file a fresh Bail Application after a period of 10 months, if there is no substantial progress in the trial.

9. Accordingly, the Bail Application is rejected, subject to above.

10. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]