

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5431 OF 2024

Rajaram Mangilal Malaviy

.. Applicant

Versus

The State Of Maharashtra

.. Respondent

.....

- Mr. Manan Kaushik Shah, Advocate for Applicant.
- Ms. Mahalaxmi Ganpathy, APP for State.
- Mr. Atharva Gade i/b Jayakar & Partners, Intervenor for Original Complainant.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 11, 2025

P. C.:

1. Heard.

2. Applicant in the present case is incarcerated since 25th October, 2020. First informant is mother and Applicant is husband of the deceased victim.

3. In the intervening night of 24th October, 2020 and 25th October, 2020, Applicant came home at 08:00 pm and asked his wife for some money for liquor. Since his wife refused to give him money, Applicant had a verbal altercation, pursuant to which he assaulted deceased victim and left house after sometime. Witness statement of 14 years old daughter as also the family members / relatives of the applicant and deceased victim confirm this incident. Applicant

thereafter returned back at 02:00 am in the night and being enraged with the precursor incident once again had a verbal altercation with wife and in rage of fury and anger inflicted a blow with hammer on the head of deceased victim resultantly injuring her grievously. Other family members on hearing this moved the victim to the Hospital where she received treatment but after seven days she succumbed to the injuries. Both the incidents are clearly state out in the statement of 14 years old daughter of the applicant and deceased victim which is appended at Page No.47 of the application. With the able assistance of learned Advocates I have perused the same. Considering the long incarceration of the applicant and fate of the trial I am inclined to take up this application immediately for hearing.

4. Ms. Ganpathy, learned APP persuades the Court to allow her to obtain appropriate instructions with respect to the trial and apprise the Court. Learned APP to take instructions and apprise the Court on the next adjourned date.

5. At this juncture, Mr. Gade appears to allow him to intervene on behalf of victim and address the Court. Considering that I am deciding bail application in view of the decision of the Supreme Court in the case of *Sundeeep Kumar Bafna vs State Of Maharashtra & Anr.*¹ it would not be right of the complainant to address the Court on

¹Criminal Appeal No. 689 of 2014 decided on 27.03.2014

merits of the matter. Be that as it may, since request is made to the Court, using the discretion of the Court I permit Mr. Gade to make his submissions on the next adjourned date.

6. Stand over to **18th February, 2025 (F.O.B.)**.

PR. Rajput

[MILIND N. JADHAV, J.]