

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 99 OF 2015

JAYKISHAN S/O KASHINATH DHAMDHERE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Choudhari N. L..
APP for Respondent: Mrs. M. A. Deshpande.

CORAM: T. V. NALAWADE, J.
DATED: 6th FEBRUARY, 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
2. The crime is registered on the basis of report given by the husband of deceased. The deceased had illicit relations with the present applicant and it was within the knowledge of the complainant. The complainant had tried to convince the deceased but she did not improve her conduct. Present applicant and the complainant had a suspicion that the deceased had developed illicit

relations with one more man. Due to the conduct of the deceased present applicant had become angry with her.

3. The incident in question took place on 4th September, 2014 at 07.45 p.m. in the vicinity of the residential place of the deceased. The deceased was called to the place of the present applicant and there he had quarrel with the deceased. During quarrel, he gave many blows of knife to the deceased. The persons of that locality rushed to the spot and when they reached there they saw that the present applicant was standing by the side of the deceased and the applicant was holding knife in his hand. He was held by the persons.

4. The wife of the complainant was still alive and so the relatives and others shifted her in one auto towards the place where the complainant was present. Complainant then started taking her to the Government Hospital in auto. On the way, the deceased disclosed the incident to the complainant-husband in which she narrated the incident as mentioned above. She succumbed to the injuries.

5. There is injury certificate showing that most of the injuries were on the chest, abdomen and back and were caused by knife. Due to haemorrhage and shock to the

vital organs as per the P.M. report. There were stab injuries over abdomen and chest and they were antemortem in nature. They were fresh and that had caused fractures of rib etc. They had caused injuries to lung and there was haemorrhage in the cavity. The internal injuries were corresponding to the external injuries mentioned in column No.17. Thus, many injuries were inflicted by the present applicant and from the nature of record it can be said that there was an intention of murder and there is sufficient material to make out strong prima facie case for offence of murder.

6. There is material like the dying declaration, the statements of witnesses who had rushed to the spot and who had seen the present applicant on spot holding knife and deceased was lying in pool of blood by his side. His clothes were recovered which were bloodstained. Knife was recovered from the spot. There used to be mobile conversations between the deceased and the present applicant.

7. It can be said that present applicant is a courageous person and there is possibility that he will tamper the prosecution witnesses. He was involved in immoral activities. This Court holds that no discretion

can be used in favour of such a person. The application is rejected.

8. The above observations are made for the purpose of present proceeding only.

9. The trial court is to see that the case is expedited within 6 months from the date of receipt of this order.

[T. V. NALAWADE, J.]

Dt.06/02/2015
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