

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.1789 of 2015

Mansing @ Janu s/o Prabhu Rathod. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Smt. R.K. Ladda, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 20th APRIL 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused papers of investigation.

2) Previous application bearing Criminal Application No.601 of 2015 was withdrawn by the applicant when this Court had expressed that the Court was not inclined to grant bail. Thus, the previous disposal was rejection on merits. In view of this, it was necessary

for the applicant to show that there has been change in circumstances. No such change in circumstance is brought to the notice of this Court.

3) Crime is registered on the basis of report given by Dnyaneshwar Ade, brother of the deceased. The deceased was the wife of the present applicant. The deceased left behind two daughters and one son. They were living together. In the incident in question which took place on 7-9-2014 after 8.30 p.m. the witnesses noticed that the present applicant was running away from the house and there was axe in his hand. The complainant and other relatives rushed to his house and they noticed that deceased Lalita was lying in pool of blood. There were injuries on her body. Post mortem report shows that, there were as many as 3 incised wounds caused by sharp weapon. They were mainly on the head and neck. The death took due to hemorrhagic shock due to injury to vital organ brain due to assault.

4) There is also statement of the daughter of the present applicant, aged about seven years, who is

also the eye witness. Murder was committed in the matrimonial house. There is direct evidence and circumstantial evidence. The papers of investigation show that on the basis of the statement made by the applicant under section 27 of the Evidence Act, the weapon came to be recovered. There were blood stains on it. Thus, there is more than sufficient material on the record.

5) Learned counsel for the applicant submitted that the applicant is behind the bars for more than six months and so bail can be granted. This submission cannot be accepted all. He has committed brutal murder. There is danger to the life of the daughter and the witnesses are close relatives of the deceased. This Court holds that it is not a fit case to grant the bail.

6) The application is rejected. The observations are only for the purpose of present proceeding.

Sd/-
(T.V. NALAWADE, J.)

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