

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

Criminal Application No. 3155 of 2015

Vishal s/o Budhanand Thorat. .. **Applicant.**

Versus

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

Shri. N.K. Kakade, Advocate, holding for Shri. Dattatraya R. Markad, Advocate, for applicant.

Shri. P.N. Mule, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 17th JULY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard.

2) Previous application filed by the present applicant was withdrawn when this Court had expressed that the Court is not inclined to grant the relief. Learned counsel for the applicant submitted that when the

previous application was withdrawn, charge sheet was not filed and now charge sheet is filed. He also submits that the applicant has been behind the bars for about ten months and so he has requested for bail.

3) This Court has carefully gone through the material available as against the present applicant. The material shows that the deceased was the wife of the present applicant. About 4 months prior to the date of the incident applicant had shifted to the house of the parents of the deceased as he had taken loan from many persons from his native place and those persons were after him. When they were living in the house of the parents of the deceased, the parents of the deceased and the deceased started asking him as to what was done by him with the money collected from so many persons. Due to that quarrel started. Then he started giving explanation that by using that money he had purchased property at Pune like a plot. On 21-10-2014 he took the deceased with him at about 6.00 p.m. by telling the parents that they wanted to go to Pune and he wanted to dispose of the property from Pune and by disposing of the property he wanted to return

the money to the persons who were after him. He did not return thereafter from Pune. As their kid of 2 years age was left with the parents of the deceased, inquiry was made and then it was learnt that the applicant had gone to the house of his sister alone.

4) The dead body of the wife of the applicant was found in a field from Umbadaga (Bu). The field owner informed to police about the dead body. Post mortem was conducted and the doctor who conducted post mortem gave opinion that the death took place due to smothering. Mud was found in nostril, mouth and buccal cavity. Photograph of the dead body was published in news paper.

5) Relatives of the deceased saw the photograph and they realised that it was the dead body of the wife of the applicant. They stated making inquiry. They made inquiry with the applicant. The applicant avoided to explain by giving many pretexts. Ultimately he admitted that he had taken the deceased to the spot and had committed the offence.

6) The material collected against the applicant is of the nature of motive, last seen and also extra judicial confession. This material is more than sufficient to make out a strong *prima facie* case of the offence of murder. There will be charge for offences punishable under sections 302, 201 of the Indian Penal Code. The applicant has committed a heinous act by murdering his wife and his conduct that he had taken money from many persons and to avoid further trouble he committed murder of his wife cannot be ignored. In view of these circumstances, this Court holds that it is not possible to grant bail. The witnesses are the relatives of the deceased and there is possibility of abscondance of the applicant. This Court holds that it is not a fit case to grant the relief. The application is rejected. The observations are made only for the purpose of present proceeding. The trial Court is expected to expedite the trial and in any case within four months from the date of receipt of the order.

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

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