

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.540 OF 2015**

Chandragupt @ Pintu Jamburao Chougule	Applicant.
Versus	
The State of Maharashtra	...Respondent.

Mr. A.P.Mundargi, Sr. Adv. i/by Mr. Anand S. Patil, advocates for the Applicant.
Mr. S.S.Pednekar, APP for the respondent-State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : April 8, 2015.

P.C.:

The application is moved for bail as the applicant-accused is facing charges under Section 302 read with Section 34 of the IPC in C.R.No.134 of 2014 at Hatkanangle police station. On 12.10.2014 one Swapnil Pundlik Koli has given information to the police about the murder of his wife Surekha, who was found dead with black scars on her neck disclosing that she died due to strangulation.

2 It is the case of the prosecution that Akkatai, mother of Swapnil and the applicant-accused were having illicit relations. Father of the complainant has left the home and his whereabouts were not known. After

marriage of Swapnil and Surekha, applicant-accused found it difficult to get privacy and to continue his illicit relations with Akkatai mother-in-law of the deceased. He, therefore, was angry with Surekha and on 12.10.2014 when Akkatai and Swapnil were not at home, he along with his friends, who are co-accused arrived at the house of Surekha and strangled her. Applicant-accused was arrested on 21.10.2014 and he is in prison since then. Hence, this bail application.

3 The learned Senior Counsel submitted that the applicant-accused has not committed any offence. There is no evidence against the applicant-accused. Nothing is recovered from him. Except the statement of Akkatai, there is nothing against the applicant-accused. He further submitted that co-accused, who are alleged to have committed murder and from whom recovery of certain incriminating article i.e. Odhani was recovered, are released on bail.

4 The learned prosecutor opposed the bail application. He submitted that he relied upon the statements of other witnesses on the point of illicit relationship of the applicant-accused with Akkatai. He relied on P.M.Notes and submitted that statement of Akkatai involves applicant-accused and he is one, who has committed murder of Surekha along with co-accused. It is further submitted that if at all applicant-accused is

released on bail, he is likely to tamper the evidence of star witness Akkatai and this will demolish the case of the prosecution.

5 Perused all the papers. As submitted by the learned prosecutor , Akkatai is star witness. Considering the facts of the case, apprehension of the prosecution appears to be well founded. Prima-facie, there is a strong motive against the applicant-accused and some evidence disclosing that he was very much involved in the murder of Surekha. Hence, application is rejected.

(MRS.MRIDULA BHATKAR, J.)