

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1196 OF 2015

Shivaji Prabhakr Thombare

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Prashant P. Jadhav for the Applicant.

Mr. Y.M. Nakhwa, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 4th DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.5 of 2015 pending on the file of the learned Additional Sessions Judge, Kolhapur. The said case arises from C.R. No.80 of 2014 registered with Gandhinagar Police Station, Kolhapur, for the offences punishable under sections 302 and 498A r/w. section 34 of the IPC.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.

3. The Applicant herein is the husband of the deceased, who had expired on 10.9.2014 due to head injuries. The material on record

prima facie reveals that the said injuries were caused by hitting gas cylinder on the head of the deceased. The records prima facie reveal that the Applicant had earlier attempted to cause death of the deceased and a crime was registered under section 307 of the IPC against him. The Applicant and the deceased had settled the matter amicably and had entered into a settlement on 21.8.2014. The FIR, which was lodged by the mother of the Applicant, prima facie reveals that the Applicant was suspecting character of the deceased and that he used to quarrel with the deceased and assault her. The mother of the Applicant had also suspected that he was responsible for causing death of her daughter-in-law. The statements of the minor children of the Applicant also prima facie reveal that on 21.9.2014 immediately before the incident the Applicant had taken all the family members to the river for cleaning clothes. This circumstance prima facie point towards the guilt of the Applicant. Two minor children of the Applicant are witnesses in this case. Their evidence has not yet recorded. In my considered view, releasing the Applicant on bail at this stage, can hamper the trial.

4. Considering the above facts, the Applicant is not entitled for bail. The application is dismissed.

5. Nonetheless, considering the fact that the case of the Applicant is based only on circumstantial evidence, the learned Additional Sessions Judge, Kolhapur, is directed to dispose of the case as expeditiously as possible, in any event within a period of six months from the date of filing of the charge sheet. Leave is given to the Applicant to file fresh application after the evidence of his minor children are recorded.

(ANUJA PRABHUDESSAI, J.)