

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.141 of 2015

Sadafal Hariram Yadav ... Applicant

Vs

The State of Maharashtra ... Respondent

Mr. J.B. Chaudhary i/b Mr. Raj Legal for the Applicant

Mrs. A.A. Mane, APP, for the Respondent -State.

Mr. Nitin Bangale, Sr.PI., Vartak Nagar Police Station, present.

CORAM: P.D. KODE, J.

DATED: FEBRUARY 10, 2015.

PC:

Heard. Mr.J.B. Chaudhary, learned counsel for the Applicant has pressed the prayer for bail on the ground that incident in question is said to have taken place on the count of dowry demand. It is submitted that the incident has happened after 15 years of marriage. Hence, it is difficult to perceive that for such a reason the husband will commit the murder of his wife. It is submitted that two children, upon which the prosecution is based, were in custody of in-laws for two days and as such they have given tutored version.

2. It is settled legal position that the question of motive or adequate motive is irrelevant whenever there is an eye witness

account of an incident. Perusal of the statements of both the children viz. Deepika and Rishabh in terms reveals the Applicant having pressed the neck of the deceased. The said material considered alongwith cause of death as revealed from *post mortem* clearly reveals prima facie involvement of the Applicant in committing an offence for which he is charged with. It is difficult to perceive that merely because the children were in custody of in-laws they would give a concocted version as claimed.

3. Resultantly, there are no merits in the prayer for bail preferred. The application stands rejected.

(P.D. KODE, J.)