

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.767 OF 2015

Ravikiran Padmakar Kapile

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Prakash Naik i/bVijay Hiremath and Mr.Swaraj Jadhav for the Applicant
Ms.Veera Shinde, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 21, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is facing charges under sections 302, 498A, 323 r/w 34 of the Indian Penal Code in C.R. No.I-313 of 2014 of Sarkarwada police station, Nasik City. It is the case of the prosecution that the deceased Shubhangi got married to the applicant/accused on 21.11.2011. After marriage, she started residing with the applicant/accused. Out of the wedlock, a son was born after one year. Though the applicant/accused was having job, he was addicted to betting in cricket and often used to lose money in betting. It was, therefore, not possible for him to give enough money to run the house. He started harassing his wife for money and he used to insist that she should go and bring money from her father i.e., the complainant. The complainant is a labourer and, therefore, Shubhangi refused to bring money from her

father. There were always quarrels between the deceased and the applicant/accused on this issue. The applicant used to harass her in different, abnormal ways. She used to tell about this harassment to her neighbours and her parents. On 30.10.2014, she had expressed fear when she went to her maiden home for Diwali. Then, she went back and on 2nd November, 2014 and in the evening at around 4.15pm, he received a message that his daughter Shubhangi was shifted to civil hospital as she was serious. When her family members reached the hospital, they found that Shubhangi was dead. Her husband informed that she hanged herself. However, on enquiry with the Doctor, he found that his daughter died due to throttling. Therefore, he gave the complaint. The applicant/accused was arrested on 3.11.2014. Hence, this bail application.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused has not committed any offence. He has submitted that the whatever allegations are made in respect of harassment are not true. He has further submitted that the allegation that Shubhangi was asked to bring money to repay the loan taken for purchase of the flat, is not correct as the applicant/accused and his family members had already repaid the installments of the said flat. The learned Counsel relied on the postmortem report wherein it was mentioned that the cause of death is asphyxia due to strangulation. He submitted that the applicant/accused is in prison from November, 2014. He further pointed out that a letter dated 21.12.2014

was written by the Investigating Officer to the Civil Surgeon, Nasik as to whether she died due strangulation or by throttling. The said report is still awaited.

3. Learned Prosecutor has opposed the application. She relied on the statements of the witnesses i.e., Shakuntala Jangam and Mamoni D. Samant, who are neighbours of the applicant/accused. She pointed out that both the ladies had heard Shubhangi screaming at around 3.15 pm to 3.30 pm and earlier there was quarrel between the applicant and Shubhangi. She pointed out that both the ladies have seen the applicant/accused Ravikiran holding Shubhangi by her neck and he was telling her that she would finish her. She further relied on the spot panchanama which took place on the same day when the report under section 174 of the Criminal Procedure Code was made. She submitted that though the report from the Civil Surgeon is awaited, there is sufficient material against the applicant/accused showing that he has committed the offence under section 302 of the Indian Penal Code.

4. Perused the FIR; the statements of the neighbours and the spot panchanama and also the postmortem notes. There is an enquiry sought vide a letter written by the Investigating Officer to the Civil Surgeon, Nasik, asking him whether Shubhangi died to due to throttling or strangulation and that report is awaited. However, on the basis of the other evidence

which is placed before me i.e., the statements of the two witnesses, who are the neighbours, it prima facie appears that the applicant/accused after quarrelling with Shubhangi, got hold of Shubangi and committed murder. The learned Prosecutor has rightly pointed out the relevant portion from the spot panchanama wherein the condition of the fan is stated that there was no bend to the fan. Nor was there any dupatta or any cloth hanging from fan and moreover, the fan was full of dust and cobwebs were found on the fan.

5. In view of the above, I am not inclined to grant bail. Accordingly, the bail application is rejected.

(MRS.MRIDULA BHATKAR, J.)