

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1037 OF 2015

Sanjay Dattatray Kshirsagar
Vs.

... Applicant

The State of Maharashtra

... Respondent

Mr. S.V. Kotwal i/b. Mr. Ashish S. Sawant, Advocate for the applicant.
Mr. D.P. Adsule, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 3, 2015**

P.C.:

This Application is moved for bail by the applicant/accused, who is facing charges under sections 302, 201, 498A, 504, 506 r/w. 34 of the Indian Penal Code. The incident of murder has taken place on 24th August, 2014 at around 8.30 a.m.

2. The applicant/accused is husband of deceased Manisha. They got married on 17th May, 2009. She started residing with applicant/accused, however, there was demand of 7 tola gold which could not be fulfilled by the family members of Manisha, so she was tortured in various ways by the applicant/accused and mother-in-law. Thereafter she stayed in her maiden home for one year. She again came back and started residing with the applicant/accused. However, on 24th August, 2014 it was informed to the brother of Manisha that Manisha has committed suicide by hanging herself. However, police found that it was not a case of suicide

but it was a homicidal death. The police registered an offence of murder against the applicant/accused. The applicant was arrested on the same day, i.e. 24th May, 2014 and since then he is in prison. Hence, this Bail Application.

3. The learned counsel for the applicant submitted that the contents in the FIR do not disclose that there was very high degree of cruelty. The applicant/accused himself has given ADR to the police. The learned counsel submitted that considering the injuries on her body, i.e. breast and thigh, the possibility of she might have been assaulted sexually and then killed by third person cannot be overruled. Hence, he submitted that the applicant/accused be bailed out.

4. Learned APP opposed the Bail Application. He submitted that it is a case under section 302 and the wife died within 7 years from the date of marriage.

5. Perused the FIR, statement of some other witnesses. It shows that she was harassed mentally and physically since her marriage. Perused the postmortem notes. A clear ligature mark is found around her neck. It is not a case to grant bail. Hence, the Application for bail is rejected.

(MRS.MRIDULA BHATKAR, J.)