

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.860 OF 2015****IN****CRIMINAL APPEAL NO. 704 OF 2015**

Shahebaz Khan Suleman Khan

...Applicant.

versus

The State of Maharashtra

..Respondent.

.....

Mr. Momin Mohd. Farooque Nisar for the Applicant.

Mr. Anilkumar K. Patil for the original complainant.

Smt. V.R. Bhonsale, Addl.P.P. for the State

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**CORAM : SMT V.K. TAHILRAMANI &
A.S. GADKARI, JJ.****24th August, 2015.****P.C. :**

Heard learned counsel for the Applicant and the learned APP for the State.

2. The Applicant has been convicted under Section 302 of the Indian Penal Code for causing the murder of his wife by strangulating her. The Applicant is now seeking bail.

3. The evidence on record shows that deceased Shaziya was the wife of the Applicant. The relations between the Applicant and his wife Shaziya were strained. The Applicant was ill-treating Shaziya. He used to beat her practically everyday with lid of pressure cooker, waist belt or stick. The Applicant was demanding money from the

father of Shaziya i.e. P.W.1 Ashfaque who is also the complainant in the present case.

4. The evidence of Ashfaque shows that the Applicant and the deceased were residing in Jafarnagar, Malegaon. P.W.1 – Ashfaque was residing at Hazar-Kholi, Malegaon. On 14th March, 2013 the Applicant and the deceased came to Ashfaque's house at about 7.30 a.m. and 12.00 p.m. and demanded Rs.300/- which Ashfaque refused to give. Hence, the Applicant was annoyed and he took his wife Shaziya with him. The Applicant thereafter called Ashfaque at about 11.45 p.m. on the same day i.e. 14th March, 2013 and told him that Shaziya committed suicide. The complainant Ashfaque then rushed to the house of the Applicant. Ashfaque found the dead body of Shaziya lying on the floor of the kitchen of the house where Shaziya was residing with her husband i.e. the Applicant. It is pertinent to note that P.W.2 – Dr.Imran Khan who conducted the postmortem has stated that he noticed horizontal ligature mark on the neck of Shaziya and according to him the death was homicidal.

5. In addition, the learned APP pointed out that multiple abrasion marks were seen on the left side chest of the Applicant. Abrasions were 5 to 6 in number. The injuries were fresh and had occurred within 24 hours of the examination of the Applicant. According to Dr. Imran

the injury was caused by hard and rough object like human nails. This according to the learned APP shows that the deceased was resisting the Applicant, hence, these injuries were caused to the Applicant.

6. Looking to the evidence on record, we do not think that this is a fit case to grant bail. The Application is rejected. However, hearing of the Appeal is expedited.

(A.S. Gadkari, J.)

(Smt. V.K. Tahilramani, J.)