

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

CRIMINAL BAIL APPLICATION NO. 1433 OF 2015

Arush Krushna Khatawkar ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. S.R.Page for the Applicant
Mrs. R.V. Newton, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for bail filed by the applicant herein who is facing trial in Sessions Case No.850 of 2014 pending before the Addl. Sessions Court , Pune for the offences under Section 302, 498A of the Indian Penal Code.
2. The case of the prosecution in brief is that on 9.9.2014 the applicant herein had committed murder of his wife. The learned Counsel for the applicant has stated that there is no prima facie material to show the involvement of the applicant in commission of

the said crime. He has stated that on the said date he was not present at the house and that he had gone to attend Ganesh Procession

3. The learned APP has submitted that the applicant used to always suspect the character of his wife and used to assault her. The deceased had earlier lodged complaint against the applicant. She has stated that the blood stained clothes of the applicant and the weapon of assault have been recovered at the instance of the applicant.

4. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that deceased Padma was married to the applicant herein and was residing in her matrimonial house at Bibewadi, Pun. The complaint lodged by Kashappa, brother of the deceased reveals that on 9.9.2014 at about 10.30 hours the applicant herein had informed him that Padma had expired due to fall. The post-mortem report reveals that there were 23 injuries on the vital parts of the body of said Padma. The doctor had opined that the death of said Padma was due to head injuries. The medical report therefore prima facie reveals that the death of

said Padma was homicidal. The FIR prima facie reveals that the applicant used to suspect the character of deceased Padma and always assault her. The records also indicate that said Padma had lodged a complaint against the complainant herein for assaulting her. The records further indicate that the incident had occurred in the matrimonial house of the deceased. The blood stained clothes and the weapon of offence has been recovered at the instance of the applicant. The above circumstances are prima facie sufficient to prove the involvement of the applicant in committing the said crime. The offence is of serious nature. The gravity of the offence disentitles the applicant from seek bail. Moreover, the trial has not yet commenced. The release of applicant at this stage would hamper the trial. Hence, the applicant is not entitled for bail. The bail application is rejected.

(ANUJA PRABHUDESSAI, J.)