

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

CRIMINAL BAIL APPLICATION NO.1969 OF 2015

Yuvraj Govardhan Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ganesh Gole i/b. Meghna Goyalani for the Applicant.

Smt. Geeta Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th NOVEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is an accused in C.R. No.88 of 2015 registered with Dindori Police Station, Dist. Nashik for the offences under sections 302, 498A, 323, 504 and 506 of the IPC.

2. Heard the learned counsel for the Applicant. He has submitted that there is no prima facie material to show that the Applicant had committed murder of his wife. He has further submitted that there is no motive for committing murder and that the death could have been suicidal in nature and since the investigation is complete presence of the Applicant in custody is not required.

3. Heard the learned APP for the Respondent -State. She has submitted that there is prima facie material to indicate that death of the Applicant's wife was not suicidal.

4. On perusal of the records and on considering the submissions advanced by the learned counsel for the respective parties, it is seen that the Applicant is the husband of the deceased. The mother of the deceased had lodged a complaint that the Applicant was having illicit relationship with his niece and that he was harassing and assaulting the deceased and threatening to cause her death. She has further stated that the Applicant herein had dropped his wife and his children to her maternal house about 10 days prior to the incident. The complainant had dropped her daughter back to her matrimonial house on 13.5.2015 and had persuaded her daughter not to quarrel with the Applicant. She has further stated that she spent the night at her daughter's house and on 14.5.2015, while she was returning home, the Applicant phoned her and threatened to cause death to her daughter. On 15.5.2015 at about 3.00 p.m. someone informed her that deceased had fallen from the building and she is admitted in the hospital. When she reached the hospital she saw the body of her

daughter with ligature mark around her neck and injuries on her waist and thighs. She therefore, lodged a complaint against the Applicant for causing death of her daughter. Pursuant to the said complaint crime No.88 of 2014 for the offences punishable under sections 302, 201, 498A, 323, 504 and 506 of the IPC was registered.

5. The post mortem report of the deceased prima facie reveals that apart from the ligature mark there were several injuries on the body of the deceased. The records prima facie indicate that the body of the deceased was not found hanging from the ceiling but was found in kneeling position with her knees touching the floor. There is also material to show that the Applicant was having illicit relations with his niece. Moreover, a day prior to the incident the Applicant had threatened to cause death of his wife. All these circumstances, prima facie indicate that the death was homicidal. The learned A.P.P. has stated that the charge-sheet is already filed. The evidence of the witnesses mainly the family members of the deceased is yet to be recorded. Considering this aspect, in my considered view, the Applicant is not entitled for bail at this stage. The Applicant is at liberty to file fresh application after the evidence of all the material witnesses is recorded.

6. Under the circumstances and in view of the discussion supra, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)