

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

CRIMINAL BAIL APPLICATION NO.1972 OF 2015

Mithun Subhash Rathod	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

V V Purwant, Adv. for applicant.
Mrs. G P Mulekar, APP for State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 30th November, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the accused / applicant in Sessions Case No.93 of 2015 pending before the Sessions Court, arising from the Crime No.99 of 2014 registered at Solapur P S for the offences punishable under Sections 498(A), 302, 201, 323, 504, 506 r/w.34 of the IPC.

2. Heard the learned counsel Mr. Purwant for the applicant and the learned APP for the State.

3. The applicant No.1 was married to one Priyanka on 8th May, 2014. Said Priyanka expired on 22nd December, 2014. The death, as per the postmortem report, was caused due to strangulation. The postmortem report reveals that the deceased was pregnant at the time of her death. The postmortem further reveals that there were ligature marks all around the neck.

4. The complaint as well as the statements of the witnesses prima facie reveal that the victim was subjected to cruelty by the applicant and his family members. In addition there was demands of dowry. About 15 days prior to the death the deceased had informed her family members that she was harassed and that there was a threat to her life. She has told her parents to take her to the parental house.

5. The records also prima facie reveal that the body was not found hanging but was seen lying on the floor. The material on record also reveals that the rope used for strangulating the deceased was recovered at the instance of the applicant herein. All these aspects prima facie reveals that the death of Priyanka was homicidal. The material on record prima facie shows involvement of the applicant in committing the said crime, which is serious nature. The gravity of the offence would itself disentitle the applicant securing bail. Moreover the trial has yet not commenced. Material witnesses are yet to be examined. Under the circumstances, the applicant is not entitled for bail.

6. In view of the above circumstances, the application is hereby rejected.

(ANUJA PRABHUDESSAI, J.)