

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 2604 OF 2014

Shri Pandit Eknath Raut	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr. Sanjay A. Ghaisas, Advocate for the applicant
Mr. Arfan Sait, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 24th February, 2015.

P.C.

This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 9.7.2014 in Crime No. 28 of 2014 registered at Harsul Police Station, Tal. Trimbkeshwar, District Nashik, for the offences punishable under Sections 302, and 201 of IPC.

2. It is the case of the prosecution that the applicant herein was married to the deceased on 23.4.2014. On 8.5.2014, the applicant herein lodged a report at the Harsul Police Station alleging therein that on 6.5.2014, his wife had expressed her desire to go to her uncle's house. He and his family members had allowed her to go. She had boarded a taxi and was to go to her uncle's house. At about 12 noon on 6.5.2014, the applicant had called upon his paternal uncle and

had informed him that he has sent his wife to his place. However, she had not reached and hence they were searching for her. On the basis of statement, Memorandum No.8 of 2014 was registered. On 17.5.2014, one Somnath Badade, Police Patil informed the police that he had been for .. and at that time, at Village Whagela Dhivar, he had seen a skeleton of a female. On the basis of his statement, A.D. No.16/2014 was registered under Section 174 of Cr.P.C. In the course of investigation, the I.O. had recorded the statements of several persons who had categorically deposed that on 6.5.2014, the applicant was lastly seen in the company of the deceased. He had boarded the taxi. When he returned he was alone. Upon enquiry, he had informed the witnesses that she has gone to her uncle's place. The medical papers also shows that the death of the deceased was 5 days prior to 17.5.2014. The compilation of the charge sheet clearly indicates that the applicant is perpetrator of the crime.

3. The learned counsel for the applicant has placed reliance upon the Judgment of the Hon'ble Apex Court in the case of **State of U.P. vs. Satish (2005) 3 SCC 114** . That ws an appeal against acquittal. The learned counsel has drawn attention of this Court to paragraph 22 of the Judgment which reads thus :-

“In the absence of any other positive evidence to conclude that the

accused and the deceased were last seen together, it would be hazardous to come to a conclusion of guilt in those cases.”

In the present case, there are several witnesses who have actually seen the applicant in the company of the deceased. Laastly not only this, the applicant had informed the witnesses that she has gone to her uncle's place and had misled the witnesses. The deceased was neither at her uncle's place nor was seen after 12 noon on 6.5.2014. In view of this, it is abundantly clear that the applicant would be the perpetrator of the crime.

4. The application being sans merit, stands rejected.

5. The Sessions Court shall not be influenced by the observations made hereinabove.

(SMT.SADHANA S.JADHAV, J.)