

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

22 CRIMINAL APPLICATION NO. 2713 OF 2016

GANESH @ RAJU MANIKRAO PANPATTE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. P.N.Kalani, Advocate for Applicant.

Mrs. V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 22nd AUGUST, 2016

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PER COURT :

1. The applicant/accused in Crime No. 94/2015 registered at Parbhani (Rural) police station, Tq. and Dist. Parbhani for the offences punishable u/ss 302,201,192,203 read with 34 of the Indian Penal Code is praying for releasing him on bail after filing of the charge sheet.

2. Heard learned counsel for the applicant. He argued that entire charge sheet is not reflecting any punishable offence viz. the offence punishable u/s 302 of the Indian Penal Code. Learned counsel argued that deceased Ashwini was residing with her maternal grant-parents and her

dead body was found in front of their house. As there is no evidence against the applicant, in submission of the learned counsel for the applicant, the applicant deserves to be released on bail.

3. Learned A.P.P. opposed the application by contending that in this case, based on circumstantial evidence, statements of the relatives of the applicant goes to show that he was having illicit relations with his sister-in-law Sanjivani and he was every motive to eliminate Ashwini, who was coming in the way of illicit relation.

4. Perused the charge sheet. The wheels of the investigation were set in motion on the report lodged by the applicant that from 11/09/2015 his 6 years old daughter Ashwini is missing from Nandkheda, where she was residing with her maternal grant-parents. During the course of investigation, according to the prosecution case, the applicant was found to be perpetrator of the crime in question and, therefore, he came to be roped in as an accused.

5. Statements of the relatives of the applicant goes to show that the applicant had kept his daughter Ashwini for the purpose of prosecuting her studies at Nandkheda, as the applicant and his wife were working as labours in the filed of Suresh Deshmukh at Takali. Balu is brother of the wife of the applicant. According to the prosecution case, the applicant was having illicit relation with Sanjivani, who is wife of Balu. Therefore, the applicant was visiting the house of his in-laws

at Nandkheda on the pretext of meeting his minor daughter Ashwini. The charge sheet reveals that as Ashwini came to know about the illicit relation of her father with Sanjivani, the applicant had committed murder of his daughter Ashwini.

6. Statement of Balu reveals that he had warned present applicant not to visit their house in absence of male members of the family suspecting his illicit relation with Sanjivani. Statements of maternal grant-parents and relatives of Ashwini goes to show the conduct of the present applicant. The applicant was very much present at village Nandkheda on the date when Ashwini went missing. However, he denied this fact. Statement of Anant Deshmukh goes to show that the present applicant was at Nandkheda. Statement of parental relatives of Saraswatibai, wife of applicant, goes to show that when confronted with villagers, who had seen the applicant at village Nandkheda on 11/09/2015, the applicant accepted the fact that he was present in the village on that day. Statement of Tajani Gunjegaonkar shows that the applicant had purchased blade from his shop on 11/09/2015. Perusal of postmortem report shows that deceased Ashwini was having incised wound over her neck and she died because of cut throat injury to her neck.

7. Post event conduct of the present applicant is also reflected from the statement of his in-laws. Present applicant stayed at the house of his in-laws after Ashwini went missing. Foul smell started emanating from the house on 12/09/2015. In that night, the applicant was found to be restless. On

13/09/2015, dead body of Ashwini was found inside the sack kept in front of the house of in-laws of the applicant at Nandkheda. Though in that night it was raining, but the sack was found dry.

8. This evidence collected by the Investigating Officer *prima facie* makes chain of circumstances complete so far as the offence punishable u/s 302 of the Indian Penal Code which is punishable with death or life imprisonment.

9. In this view of the matter, no case for bail is made out. Hence, the application stands rejected.

10. Needless to mention that the observations made above are *prima facie* in nature having no bearing on the trial of the case against the present applicant.

[A.M.BADAR, J.]