

Anand

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

BAIL APPLICATION No.231 OF 2016

Samadhan Pandurang Sangle .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.N.R.Bubna, Advocate, for the Applicant

Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.04.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks his enlargement on bail in connection with
C.R.No.85 of 2015 registered with the Nandgaon
Police Station, District – Nasik, for the
alleged offence punishable under Section 302 of
the Indian Penal Code.

3. According to the prosecution, there was a one sided love affair between the Applicant and the deceased-Priyanka. It is alleged that although Priyanka was married to a grocery shopkeeper-Hanuman Avhad in the year 2008, the Applicant was in love with Priyanka. It is alleged that on 15.05.2015 at about 2.30 p.m., the Applicant quarreled with the deceased, dragged her and threw her in a well as a result of which she died.

4. Learned counsel for the Applicant submitted that the entire prosecution case is false. He submitted that the deceased was married in the year 2008 to one Hanuman Avhad and therefore, there was no question of the Applicant stalking Priyanka. He submitted that certain phone calls were made on the phone of the Applicant after the deceased had died, which shows that the Applicant was not present at the material time. He submitted that the red

coloured motor cycle on which the Applicant is alleged to have fled, belonged to the husband of the deceased and not to the Applicant.

5. Learned APP opposed the Bail Application. He submitted that there are two eye witnesses, who had seen the incident of assault i.e. child witness-Gurudatta Bodakhe and his grandmother-Vimal Bodakhe. He submitted that both the eye witnesses had identified the Applicant as having assaulted the deceased. He submitted that the Election Card of the Applicant was found on the spot, where the deceased was thrown in the well.

6. Perused the papers. There are eye witnesses in the said case, who had seen the Applicant assaulting the deceased and thereafter, dragging her and throwing her in the well. FIR has been lodged promptly on the very same day. Since Applicant was unknown, the

Applicant was put in the identification parade and both the eye witnesses i.e. Gurudatta Bodakhe and Vimal Bodakhe have identified the Applicant as the assailant. It also appears that an Aadhar Card belonging to the Applicant was found on the spot.

7. Considering the material on record, this is not a fit case to enlarge the Applicant on bail. Accordingly, the Application stands rejected.

8. It is made clear, that the learned trial Judge shall decide the case on its own merits uninfluenced by the observations made in this Application.

(REVATI MOHITE DERE, J.)