

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 531 OF 2016

Nitin s/o. Janardhan Ovhal	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. K.R. Doke, Advocate for the applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Samadhan C. Nagare, A.P.I., Kalyan Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **16th March, 2016.**

P.C.:

This Application is moved by the applicant/accused for bail. The applicant/accused is arrested on 22nd December, 2014 for the offences punishable under section 302 of the Indian Penal Code. The applicant/accused has committed murder of his wife Jyotsna. The offence is registered on the same day at Kalyan Police Station, District Thane Rural at C.R. No. 324 of 2014. The charge sheet is filed on 20th March, 2015.

2. It is the case of the prosecution that the applicant/accused was staying with his wife. In 2014, they had one four years old son. The applicant/accused was not working. He had borrowed money. He left his wife and went away. She was staying alone 5 to 6 months prior to assault along with her son Ritesh. The relationship between the applicant/accused and his wife was not good. They have family dispute. In the year 2010 she

has filed Application for maintenance against him in the Court of Magistrate. On 10th December, 2014 at around 8.30 p.m. when applicant/accused and his wife were standing near panipuri stall, they started quarreling and applicant assaulted her with knife. At that time, their son was present. She was shifted to the hospital and was declared dead. Thereafter, applicant/accused was arrested. Hence, this Bail Application.

3. The learned counsel for the applicant/accused submitted that the applicant is innocent. He has not committed any offence much less the offence of murder. He was not stayed with his deceased wife 5 to 6 months prior to the incident. There was no motive to assault the deceased wife. The applicant is in prison since last 1½ year, therefore, he be released on bail.

4. Learned APP opposed the Bail Application. He relied on postmortem report of Jyotsna. He submitted that the statement of minor son Ritesh is recorded on 12th December, 2014 under section 164 wherein he has stated that his father assaulted his mother with knife and thereafter his father ran away. Learned APP further relied on the statement of other witnesses. He pointed out that one witness Madhukar Laxman Payaal, relative of

applicant is an eye witness to the incident. Learned APP also relied on statement of Balu Bhimrao Dolas, who has seen the incident and thereafter he chased the applicant/accused.

5. Perused the FIR and the relevant statements of the witnesses. It appears from the record that two persons are eye witnesses. One witness Madhukar Laxman knew the applicant/accused and after the assault the applicant/accused ran away with the knife and other witness Balu Bhimrao chased the applicant. The statement of minor child is recorded, who attributed the role of assaulting his mother to his father. The postmortem report discloses that it is not a case of one stab blow but there are 4 to 5 stab wounds due to stab blows. Under such circumstances, I am of the view that it is not a case to grant bail. Hence, the Bail Application is rejected.

(MRIDULA BHATKAR, J.)