

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1543 OF 2016

Rohit Ramesh Makwan

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Aniket Nikam Advocate for Applicant.

Mr. Arfan Sait APP for the State.

Mr. S. H. Sarle, A.P.I. Devalali Camp Police
Station, Nashik City.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 19, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant is in custody in crime no. 22 of 2015 registered at Devalali Camp Police Station for offence punishable under section 302 of the Indian Penal Code.

2) It is the case of the prosecution that on 13/04/2015, Applicant herein had voluntarily proceeded to the police station and had given an information that on that day, he had caused the homicidal death of his wife Ashwini. Police officers, upon receipt of the said information had been to the house of

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the applicant which was located in Yashika Co-operative Housing Society, Flat No. 11. Upon visiting the house of the applicant, it was noticed that a woman was lying in the house. It prima facie appeared that she has been strangled by rope. On the basis of verification of the information/confession of the Applicant, crime no. 22 of 2015 was registered. Investigation is completed and charge-sheet is filed. The post-mortem notes would indicate that the cause of death is 'Ashphyxia due to manual strangulation'.

3) It is a matter of record that at the time of death, Ashwini was in the custody of the present Applicant and hence, it would be a custodial death. The prosecution was initiated at the behest of the present Applicant and therefore, no further evidence would be necessary.

4) The learned counsel for the Applicant submits that there is every possibility that the incident has occurred on the spur of the moment. That the Applicant had no intention to cause disappearance of the evidence and therefore, approached the police station on his own. That the investigation is completed and charge-sheet is filed and therefore, further incarceration would not be imperative.

5) However, taking into consideration the facts of the case and that the Applicant had caused the homicidal death of his wife when she was in his custody, speaks volumes for itself and hence, application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)