

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

BAIL APPLICATION NO.1894 OF 2015

Shankar Dinkar Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Kedar J. Patil for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 25th FEBRUARY, 2016.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is facing trial in Sessions Case No.20 of 2015 pending on the file of Additional Sessions Judge, Sangli, for offences punishable under section 302 of the IPC. The said case arises from C.R. No.10 of 2014 registered at Bhilawadi Police Station, District-Sangli, pursuant to the FIR lodged by one Vaibhav Namdev Patil, brother of the deceased.

2. The case of the prosecution in brief is that on 30.10.2014 between 2.30 p.m. to 3.00 p.m. the Applicant herein committed

murder of his wife and minor child. The Applicant had himself surrendered and he was taken into custody on 13.10.2014. The case was investigated and upon completion of the investigation, charge-sheet was filed and the case being sessions triable was committed to the Sessions Court, Sangli. The Applicant filed an application for bail, which was dismissed by the Additional Sessions Judge, Sangli, vide order dated 25.6.2015. Hence, the present application.

3. The learned counsel for the Applicant has submitted that the statement of the Applicant made before the police is not admissible under section 25 of the Evidence Act. There are no eye witnesses, who had seen the Applicant committing the crime. He further submitted that presence of the Applicant is not required in custody hence, he be released on bail.

4. The learned APP has submitted that the Applicant is involved in committing murder of his wife as well as his minor child of five years of age. She has further submitted that the incident occurred inside the house of the Applicant and that the statements of witnesses prima facie indicate that the Applicant was present in the house at the time of the incident. She further submits that the Applicant is not entitle for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State.

6. The statements of Ravindra Shripal Mirajkar and Krushnabai Shripal Mirajkar, who are the neighbours of the Applicant herein indicate that on the date of the incident at about 2.30 p.m. to 3.00 p.m. they had heard the Applicant and his wife quarreling. These two witnesses have stated that they did not interfere presuming that it was their regular fight. They have stated that the deceased Shaila was shouting loudly and when they were about to go to the house of the Applicant they saw the Applicant proceeding towards Bhilawadi on a motorcycle of Bapu Savde.

7. The statement of said Bapu Savde prima facie reveals that on 30.10.2014 at about 3.00 p.m. the Applicant had told him to drop him at the police station. He has further stated that the Applicant had told him that he had committed murder of his wife and son. The said witness has further stated that he did not take the Applicant seriously as the Applicant used to fight with his wife frequently and assault her. He has further stated that thereafter he saw the police near the house

of the Applicant. He had also seen the body of Shaila lying inside the house in a pool of blood.

8. The post mortem report prima facie reveals that Shaila, wife of the Applicant died a homicidal death. She had several incised wounds all over her body. The death was due to cardio respiratory arrest due to asphyxia due to strangulation associated with incised injury all over the neck. The post mortem report of her minor son also prima facie indicates that the death was due to cardio respiratory arrest due to asphyxia due to drowning.

9. The material on record prima facie reveals the involvement of the Applicant in committing the offence which is of serious nature. Gravity of the offence is itself sufficient to decline bail to the Applicant. Furthermore, the witnesses are the neighbours of the Applicant and trial has not yet commenced. Release of the Applicant at this stage would hamper the trial and thwart the course of justice.

10. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)