

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2115 OF 2016

Basavraj Dhondappa Chougule ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Siddharth Mehta i/b Mr. Harshwardhan Salgaonkar, Advocate for the applicant.

Mr. R.M.Pethe, APP, for the State.

Mr. BhimajiH. Patil, API, Jodhbhavi Police Station, Solapur present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 15th October, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 15.8.2015 in Crime No. 155 of 2015 registered at Jodhbhavipeth Police Station, Solapur. The investigation is completed and charge-sheet is filed against the applicant for the offence punishable under Section 302 of the Indian Penal Code and under Section 4 read with Section 25 of the Indian Arms Act.

2. It is the case of the prosecution that on 15.8.2015, one Mamta Chougule lodged a report at the police station alleging therein that her elder son Vinayak was studying in Indira Polytechnic College, Vairag and

was prosecuting his education in Mechanical Engineering Faculty. He used to attend the college from Solapur. That sometime in the month of June, they had found a chit in the pocket of Vinayak and that chit was written by one girl, namely, Mamta Chougule, who happens to be the daughter of the applicant. Upon enquiry, Vinayak had admitted that there was a love affair between Mamta and Vinayak. The mother had talked with Mamta and had advised her that she shall not indulge into such activities as both of them are young. The parents had sent Vinayak to Village Beledar to reside with one of his relative. He worked at the said village for one month.

3. It is also alleged that the father of Mamta had been to the tuition classes of Mamta and had realized that Mamta was not attending the tuition classes. Mamta had got scared. On 30.7.2015, Mamta had insisted upon Vinayak to take her away as she was scared of her father. The present applicant had lodged a report at the Sadar Bazar Police Station against Vinayak wherein he had been prosecuted for the offence punishable under Section 363 of the IPC. The parents of Vinayak had searched for him. In the meanwhile, they had learnt from one Mr. Patil that Vinayak and Mamta were at Pune. Thereafter, the father of Vinayak had brought Vinayak and

Mamta to Solapur and had presented them before Sadar Bazar Police Station. Mamta had gone to her own house. It was decided between both the families that Vinayak and Mamta are minors and that soon after they attain majority, they would get them married. On 13.8.2015, Mamta once again revisited the house of Vinayak. She had halted at the house of Vinayak. At about 10 a.m., her mother had called upon her. The first informant had informed that Mamta had gone to Tuitions and has not returned home. It appears that the parents of Mamta had again apprehended that they had eloped. In the afternoon at about 12 noon, the present applicant had visited the house of Vinayak. The first informant was at home. At that time, the applicant was armed with a revolver. There was an altercation and soon thereafter the applicant had shot Vinayak. Vinayak had succumbed to the fire arm injury on 16.8.2015 in Civil Hospital, Solapur.

4. The statement of the wife of the present applicant was recorded and she disclosed that on the date of the incident i.e. 15.8.2015, the present applicant had called upon her and asked her to send the revolver along with their son Shubham. The wife of the applicant had denied to oblige and thereafter the applicant had gone home and at about 6.30 p.m., he had taken

revolver from the house and visited the house of Vinayak and shot him dead.

5. The applicant herein has committed a pre-meditated act. The daughter of the applicant was in love with deceased Vinayak who was hardly 17 years old. That the daughter of the applicant was in a mood of retaliation and had not obeyed her parents' denial to visit Vinayak despite their opposition. It is clear that the applicant had fully made preparations to eliminate the young boy.

6. The learned APP rightly submits that this could be a case of honour killing. In fact, the parents ought to have taken into consideration the fact that the girl and the boy were young and they could be handled in a better way. The statement of certain witnesses is also recorded under Section 164 of Cr.P.C. and they have clearly stated that the applicant had shot the young boy. The mother of the deceased is an eye-witness to the incident. It is not a case of grave and sudden provocation as is submitted by the learned counsel for the applicant. According to the learned counsel, the applicant had visited the house of Vinayak only to request him to get married to Mamta and upon his denial, being enraged, the applicant had

shot him. It cannot be believed that the father of a girl would take the proposal of marriage with a pistol in his hand. In fact, the very statement of the wife of the applicant indicates that the applicant had prepared grounds for eliminating Vinayak by asking her to send the revolver along with their son Shubham. A young life is lost and only the only fault of the deceased was that he was in love with the daughter of the applicant. It is in these circumstances that the applicant does not deserve to be enlarged on bail.

7. The application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)