

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

CRIMINAL BAIL APPLICATION NO. 2222 OF 2016

Manoj Ramchandra @ Ramji Waghmare. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sachin K. Hande a/w. Mr. A.P. Singh, advocate for Applicant.

Ms. Veera Shinde, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 23, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 31/8/2015 in
Crime No. 157 of 2015 registered at Khopoli Police Station for offence
punishable under Section 302, 304(b), 201, 498A read with 34 of
the Indian Penal Code. The investigation is completed and the
charge-sheet is filed.

3 It is the case of the prosecution that the applicant herein was married to Vandana on 3/5/2009. She was being harassed in her matrimonial house for payment of dowry. That the couple is blessed with two issues i.e. a boy and a girl. It is the case of the prosecution that on 31/8/2015 Surekha Kadam lodged a report alleging therein that her daughter Vandana was married to the applicant on 3/5/2009. She was being harassed and ill-treated in her matrimonial house. There was demand of dowry. That on 29/8/2015, the present applicant had called upon the first informant and asked her as to whether she would give the amount or not. That he had also threatened of dire consequences. On 31/8/2015 at about 7.30 a.m. the relative Anil informed them that Vandana had sustained burn injuries. The first informant rushed to the house and at that time, other members of the family restrained her from entering inside the house. In the meanwhile, she saw police bringing the dead body of Vandana outside the house. She has specifically stated that the applicant has caused homicidal death of Vandana.

4 Post mortem notes would clearly indicate that the cause of death is strangulation. In the course of investigation, the police have recorded statement of the father of the applicant namely Ramchandra who has specifically stated that on 30/8/2015 at about 12.30 a.m. when he woke up, he saw the applicant with a can of kerosene. The moment he saw his father, he concealed the said can and threatened him of dire consequences. After some time, he had seen that the applicant had strangled his wife Vandana and was sleeping on the sofa of his bed room. He also saw that the applicant has removed Vandana from fridge and thereafter poured kerosene. That the applicant had pushed the dead body of Vandana in the fridge and thereafter, he removed it, poured kerosene on it and set her ablaze. It is a heinous offence committed by the applicant. The father of the applicant is an eye witness. In such circumstances, the applicant does not deserve to be enlarged on bail.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

6 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)