

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

920 CRIMINAL APPLICATION NO. 1529 OF 2017

SAVITA W/O. SOMNATH CHAUHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. D.D. Chaudhari
APP for Respondent/State : Mr. S.M. Ganachari
...

CORAM : T.V. NALAWADE, J.
DATED : April 7, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. The papers of investigation were made available to this Court for perusal.

2. The crime was registered on the basis of report given by one Police Sub Inspector after getting the P.M. Report. The deceased was the husband of the present applicant and applicant was feeling harassed due to the conduct of the deceased. She gave report on 26.9.2014 that the deceased had probably committed suicide by hanging himself in the house. The spot panchanama was prepared and the height of the roof was not matching with the height of the deceased and Investigating Officer formed opinion that it was not possible for the deceased to hang himself. During enquest panchanama also,

it was noticed that ligature mark was circling the neck completely and it was having horizontal. The doctor gave opinion that it is a case of asphyxial death due to strangulation.

3. In a case like present one, the present applicant was the only person living in the said house with the deceased. The provisions of section 106 and 117 of the Evidence Act and section 201 of Cr.P.C. can be used as she gave false information with regard to the cause of death of husband. In view of these circumstances, this Court holds that it is not fit case where discretion can be used in favour of the applicant. The application stands rejected.

[T.V. NALAWADE, J.]

ssc/