

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.75 OF 2017**

Sachin Harish Malve)...Applicant

**V/s.
State OF Maharashtra)...Respondent**

Mr. P.R.Arjunwadkar, Advocate for the Applicant.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 19th JANUARY 2017.

P.C. :

This is a second bail application of the applicant-accused in Crime No.450 of 2015 registered with Chakan Police Station, Pune for the offences punishable under Sections 498A, 306, 323, 504 read with Section 34 as well as under Section 302 of the IPC which came to be added subsequently to the case diary of the crime.

2 Heard learned counsel appearing for the applicant-accused. The learned counsel argued that applicant is behind bars for about a period of one year and four months. This factor needs

to be considered now. He further argued that photographs show that death was due to hanging and it is suicidal death. This fact coupled with the fact that latch of the door of the bed-room where the deceased was found, was found to be broken while recording the spot panchanama. According to the learned counsel for the applicant-accused, cumulative effect of these two factors pointed out suicidal death rather than homicidal death.

3 The learned APP opposed the application by contending that there are no change in the circumstances warranting entertainment of second bail application.

4 I have carefully considered rival submissions and also perused the charge-sheet. Earlier bail application bearing no.25 of 2016 was moved after filing of the charge-sheet and the same was rejected by this Court on 14.6.2016. While considering that bail application, these aspects were considered by this Court. In paragraph 6 of that order, this Court has observed that prima-facie post-mortem report shows that victim died because of application of external force by constricting her neck rather than death due to hanging. In paragraph 7 of the order dated 14.6.2016, this Court

has observed that effect of recital in the spot panchanama that latch of the door of the bed-room of the flat was broken will have to be looked into at the time of trial.

5 In this view of the matter, second bail application of the applicant-accused cannot be entertained as all the aspects now argued were already considered and finding was given thereon while deciding earlier bail application.

6 The Application is, therefore, rejected.

(A. M. BADAR, J.)