

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

CRIMINAL BAIL APPLICATION NO. 662 OF 2017

Mrs. Rupa Shrishail Mandoli ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 663 OF 2017**

1. Rajshekhar Adappa Pantoji
2. Bhutalsidha Hanmant Indi ... Applicants

Versus

The State of Maharashtra ... Respondents

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Mr. Nitesh Mohite i/b Mr. Jaydeep D. Mane for the Applicant.
Mr. S.S. Hulke, APP for the State.

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CORAM : T. V. NALAWADE, J.

DATE : 16th AUGUST, 2017

P. C. :

1. These applications are filed for bail. There is allegation against the applicant in Criminal Bail Application No. 662 of 2017 that she had an affair with applicant from Criminal Bail Application No. 663 of 2017 and as the deceased was the husband of the applicant, they decided to finish the deceased.

2. Both sides are heard.

3. The dead body of Shrishail, the son of Mallappa, resident of village Koluragi, tal. Indi, Dist. Bijapur (Karnataka State) was found in village Khudus, Tal. Malshiras, Dist. Solapur (Maharashtra State) on 07/07/2016. After committing murder, a stone was used to crush his face to see that nobody is able to identify him. By the side dead body one white banian was lying and the circumstances show that Shrishail was murdered there. One weapon (tommy) was found there. One key of vehicle was also found there.

4. It is the case of Mallappa that there was phone call to him of a stranger and due to that he had suspicion and he approached the police on 18/07/2017. First, missing report was given. Karnataka police then informed him that one dead body was found in Maharashtra by Malshiras police. He went to Malshiras and thereafter saw the photograph and he identified the dead body of Shrishail. As there was illicit relations between the wife of Shrishail and applicant No.1 in Criminal Bail Application No. 663 of 2017, there was suspicion against her. First, the applicant

in Criminal Bail Application No.663/2017 came to be arrested. During interrogation, he disclosed the name of the applicant of other proceeding. Police gave a call on 25/07/2017 to the applicant in Criminal Bail Application No.662 of 2017 and asked her to come for inquiry. She was very much frightened and then she admitted that on her saying, the applicant of the other proceeding – Rajshekhar and friend of Rajshekhar had finished Shrishail. Thus, there is material of extra-judicial confession against the applicant of first proceedings.

5. As against the applicant of the other proceedings, there is material like his banian found on the spot. His keys were found on the spot and one pant of the deceased was recovered on the statement given by him under section 27 of the Evidence Act.

6. Learned APP admits that along with papers, there is no record of CDR showing that the applicant of first proceedings was in touch with applicant No.1 of second proceedings. The keys, however, which were found on the spot were tried and they were of the truck of the applicant of Criminal Bail Application No. 663 of 2017. The material is sent for DNA test and the report is

awaited. Thus, there is material of motive of extra judicial confession and there is other material like recovery of articles at the instance of Rajshekhar.

7. Considering the motive behind the crime and the aforesaid material, this Court holds that the discretion cannot be used in favour of the present applicants. In the result, both the applications stand rejected.

(T. V. NALAWADE, J.)