

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 731 OF 2017**

Nanaji Chindha Thorkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. N. R. Bubna for the Applicant

Mr. S. R. Agarkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 28th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-106 of 2015 registered with the Camp Police Station, Malegaon, for the alleged offences punishable under Section 302 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the prosecution case rests entirely on circumstantial evidence and that the possibility of somebody else entering the house and assaulting the deceased, cannot be

ruled out. He submitted that since the applicant would consume alcohol, the said crime could not have been committed by him.

4. Learned A.P.P opposed the application.

5. Perused the papers. The incident has taken place on 20th September, 2015. The complainant-Gorakh is the brother of the deceased-Reshmabai. It appears that the applicant was habituated to drinks and on account of which, there were frequent quarrels between the applicant and his wife, deceased-Reshmabai. On 20th September, 2015 Reshmabai was found dead in the house. It appears that the applicant was with her at the relevant time. The prosecution case, no doubt, rests on circumstantial evidence, but the circumstances, *prima facie*, point to the applicant. It appears that Reshmabai was found bleeding from her head and there were injuries on her head, hands and legs. There is recovery of a blood-stained wooden log at the instance of the applicant. Hair of the deceased was found on the said wooden log.

6. Considering the material *qua* the applicant, this is not a fit case to enlarge the applicant on bail. The application is accordingly rejected, however, considering the age of the applicant, the trial is expedited.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.