

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.832 OF 2017

Lakhan Padam Devkar	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. Manoj Manohar Badgajar for applicant
Mr. Arfan Sait, APP for State.

CORAM : P.D. NAIK, J.

DATE : 28th July 2017.

P.C.

1] This is an application for bail in connection with C.R.No.I-273 of 2016 registered with Mulund police station under section 302 of Indian Penal Code. The applicant was arrested on 12th July 2016. Investigation is complete and charge sheet is filed.

2] The prosecution case is that the FIR was lodged by Mr. Prabhakar Shetty. The complainant had arranged marriage of the applicant with a Nepali girl (deceased) and, thereafter, the deceased and the applicant were staying together. On 12th July 2016 at about 2.30 a.m. in the night, the accused gave a telephone call to the

informant and intimated him that he has assaulted his wife. The informant and his wife then visited the house of the applicant and it was found that the deceased was lying in pool of blood. There was wound on forehead of deceased and ligature marks were found around her neck. It is the case of the prosecution that the deceased was hanged after being assaulted.

3] Learned Advocate for the applicant submitted that the applicant has been falsely implicated in this case. The informant was having illicit relationship with the deceased. The deceased was acquainted with the informant prior to her marriage with the applicant and to continue his illicit relationship the informant arranged marriage of deceased with the applicant. It is submitted that the deceased was found hanging in the house when the applicant entered the house and, thereafter, he took her down by cutting the dupatta. It is also submitted that there are several discrepancies in the evidence collected by the police. There is also no eye witness to the incident and the case is purely based on circumstantial evidence.

4] Learned APP opposed the application. It is submitted that there is strong evidence against the applicant. He was found present in the house when the complainant visited the house and the deceased was lying in pool of blood. There are ligature marks on the neck of the deceased. The applicant has made extra judicial confession to the complainant and other witnesses. There is recovery of chopper at the instance of the applicant and the blood stained clothes were seized at the time of arrest of the applicant. It is, therefore, submitted that the application may be rejected.

5] I have perused the charge sheet. There is evidence against the applicant showing his involvement. Apart from the extra judicial confession, the applicant was found present in the house when the informant had visited his premises along with his wife. The applicant had made a telephone call in the midnight to the informant. There is recovery of weapon and that the blood stained clothes of the applicant were seized. The submissions advanced by the learned Advocate for the applicant about false implication are his defence which could be agitated at the time of trial. In the circumstances, no case for bail is made out.

ORDER

- I) Bail Application No.832 of 2017 is rejected;
- II) Trial court is directed to expeditiously conduct the trial and conclude the same preferably within a period of one year.

(P.D.NAIK, J.)