

Anand

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

BAIL APPLICATION NO.836 OF 2017

Anil Dharma Shingole

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms S. T. Mishra, Advocate, for the Applicant

Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. I-121 of 2015 registered with the Murbad Police Station, Thane (Rural), for the alleged offence punishable under Section 302 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. She submits that even the complainant's brother – Sunil had motive to cause the death of his mother, deceased – Vimal, inasmuch, as both, the Applicant and Sunil were directed by the Court to pay maintenance to their deceased

mother – Vimal. She submits that there is discrepancy in the panchanama and the dates. She further submits that the Applicant is in custody since 2015.

4. Learned APP opposes the Application.

5. Perused the papers. There are three crucial witnesses in the said case i. e. Seema Sunil Shingole - daughter-in-law of the deceased, Vasant Dashrath Kalekar and Sangita Jagan Chahad, neighbours of the deceased. The Applicant is the son of the deceased – Vimal. It appears that deceased – Vimal had filed proceedings under Section 125 of the Code of Criminal Procedure, as against the Applicant and her son – Sunil and that the Court had directed the Applicant and Sunil to pay maintenance to Vimal. According to Seema – daughter-in-law of the deceased, the incident took place on 04.09.2015. She has stated that she had seen the Applicant going to the house of the deceased, however, she did not speak to him. She has further alleged that she heard some noise in the house and realized the said noise was coming from the house of the deceased and hence, she knocked the door and called her mother-in-law. She has further stated that she informed her neighbour – Sangita Chahad about the same. She has further stated that when they went to

the room, the door was locked from inside and that after some time, her brother-in-law (Applicant) opened the door, came outside, locked the door from outside and asked them not to go inside. She has stated that after the Applicant left the place, they opened the door and saw the deceased, lying on the floor with several injuries on her person. Seema's statement is corroborated by the statements of Vasant Kalekar and Sangita Chahad. The Post Mortem Report shows that the deceased had sustained as many as 13 injuries on her person. The cause of death is stated to be 'due to shock and haemorrhage due to head injury and injury to the brain'.

6. Considering the *prima facie* material on record as against the Applicant, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

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.)