

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1138 OF 2017

Machindra D. Jadhavar

..Applicant.

v.

The State of Maharashtra

.Respondent.

Mr. D.D.Rananaware for the Applicant.

Mr.Prashant Jadhav, APP. for the State.

Mr. D.D.Date, Police Constable, Dahiwadi Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 18th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.73/2017 registered with Barshi City Police Station, Barshi under Sections 302, 498A of the Indian Penal Code.

2. Applicant is the husband of deceased Smt. Anita. It is the prosecution case that the applicant used to take doubt about the fidelity of deceased Smt. Anita and used to beat and harass her. The deceased told the said fact to her father on various occasions however it was explained to her that there are three children out of the said wedlock and therefore she was pacified by her father. Her father i.e. first informant tried to explain the said fact to the applicant also however the applicant did not pay any heed to it. That, on 9.2.2017 when the daughter of the applicant namely Pragati came from the school, she saw the applicant and neighbours taking the deceased Smt. Anita to the hospital by auto rickshaw. She observed that there were ligature marks on the neck and

some bruises on the body of deceased Smt. Anita. Deceased Smt. Anita was declared dead prior to admission to the hospital. Shri. Murlidhar Karad-father of the deceased Anita then lodged F.I.R. and during the course of investigation the applicant came to be arrested on 10.2.2017. After completion of investigation the police have submitted charge sheet.

3. Perused the charge sheet. It appears from the record that the witness namely Ms. Pragati aged about 16 years daughter of the applicant and the deceased, saw the applicant on 9.2.2017 at about 8.30 a.m. leaving home by his vehicle and thereafter at about 10.30p.m. she left home for attending school. That, when she returned to home at about 5.30p.m., her father and neighbours were taking the deceased Smt. Anita to the hospital and put her in an auto rickshaw. It appears from the record that the applicant was last seen in the company of the deceased at about 8.30p.m., on 9.7.2017. Prima facie, it appears that there is no other witness who saw the applicant in the company of the deceased Anita i.e. last seen together thereafter. It further prima facie appears that there is no other circumstance connecting the applicant apart from the motive and last seen together.

4. In view thereof, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in CR No.73/2017 registered with Barshi City Police Station, Barshi on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like

amount.

- b) After his release from the jail, the applicant shall attend the Barshi Police Station, Barshi once in month i.e. on every 1st Monday of the month between 11.00 to 2.00p.m.
- c) The applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provision of cancellation of bail,
- e) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)