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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1418 OF 2017

Sitaram Sampat Chawate

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr.V.B.Koshe i/b. Mr.Sachin H.Deokar for the Applicant.

Mr.S.V.Gavand, APP for the Respondent-State.

CORAM : T.V.NALAWADE, J.

DATED : 16 AUGUST 2017

P.C.:-

This application is filed for bail in C.R. No.721/2016 for offence punishable under sections 302, 201 of the IPC registered with Shirur police station, Pune. Heard both the sides. The papers of investigation are made available for perusal.

2. The deceased Rupali was the wife of the present Applicant. The dead body of the deceased was found on 6

November, 2016 around 4.00 p.m. on Golgaon-Nagaregaon road. Deceased was seen lastly in the company of the Applicant on 4 November, 2016 at about 6.00 p.m. Even the Applicant and deceased were present in the shop of Santosh and from there the present Applicant had forcibly taken away the deceased with him. After that nobody had seen Rupali alive.

3. Death took place due to strangulation of neck. Learned counsel for the Applicant submitted that the ligature mark was not complete and so also the possibility of suicide cannot be ruled out. This submission cannot be accepted at this stage. Further there were other injuries on the dead body which can be seen from the post mortem report. Further there are other circumstances. The Applicant did not report to anybody or inform anybody that Rupali was not in his company from 5 November, 2016 till 4.00 p.m. to 6 November, 2016. Learned counsel for the Applicant submitted that the medical evidence is not consistent with the allegations made against the present Applicant. This submission is not at all acceptable at this stage. The provisions of section 106 of the Evidence Act can be

safely used against the Applicant husband of the deceased in view of the above circumstances. Considering the nature of the offence and the possibility of tampering of prosecution witnesses by the present Applicant, this Court holds that this is not a fit case to grant bail to the applicant. The application is rejected.

(T.V.NALAWADE, J.)