DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 945 OF 2017

IN

CRIMINAL APPEAL NO. 668 OF 2017

Mahavir Raghunathrao Hulungare ...Applicant
(Org. Accused)

vs.

The State of Maharashtra ...Respondent

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Mr. Sayaji Dadu Nangre, Advocate for the applicant/org. Accused.

Mrs. G.P. Mulekar, A.P.P. for the State.

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CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.

DATE : 6th DECEMBER, 2017.

ORDER (PER SMT. V.K. TAHILRAMANI, J.):-

Heard both sides.

2. The applicant has been convicted under Section 302 of the Indian Penal Code for causing death of his wife by stabbing her with a knife. The applicant is now seeking bail.

3. The motive for the applicant to commit the murder of his wife is that she was having affair with some person. This fact was brought on record in the evidence of PW-11 API Sudhir Gadkar. Immediately after committing the murder, the applicant went to the police station and stated that he had murdered his wife. No doubt, the statement given by the applicant to the police cannot be considered as it is a confessional statement to the police. However, the fact remains that applicant led the police to his house and opened the lock on the door of the house with the key which he had. On entering the house, the wife of the applicant was found lying dead with several injuries on her person. This conduct of the accused can certainly be taken into consideration. It is pertinent to note that on the dead body all the ornaments were found including earrings, Mangalsutra and anklet. This clearly shows that it is not a case where someone has entered the house to commit theft and in the process, committed the murder of the wife of the applicant. There is also nothing on record to show that anyone else had the motive to commit the murder of the wife of the applicant. Looking to the

above facts, we do not find this is a fit case to grant bail. Application is rejected.

(M.S.KARNIK, J.) **(ACTING CHIEF JUSTICE)**