

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

**CRIMINAL APPLICATION (BA) NO.1112 OF 2017**

Deepak s/o Pralhad Chahande, Plot No.241, Sant Kabir Nagar, P.S.Jaripatka, Nagpur

-vs-

The State of Maharashtra, Thr. PSO, PS Jaripatka, Nagpur

---

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

---

Shri S. A. Choudhary, Advocate for applicant.  
Shri A. A. Madiwale, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**  
**DATE : November 27, 2017**

Heard.

The applicant who has been arrested on 16/03/2017 in connection with Crime No.283/2017 registered with Police Station Jaripatka, Dist. Nagpur for the offence punishable under Sections 302, 307 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 16/03/2017 lodged by the brother of one Kalpana, wife of the present applicant, it is stated that the applicant used to have a doubt on his wife that she was having an affair with some other person. On 15/03/2017, the applicant had called the informant and told him to instruct his sister to stop her activities. On 16/03/2017 the informant learnt that his sister had been assaulted and that she was admitted in hospital. On that basis report under Section 307 of the Penal Code was initially lodged. After the informant's sister succumbed to her

injuries, an offence under Section 302 came to be added.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. As per the case of the prosecution, the house of the applicant was locked when the neighbours tried to enter the same. However, the spot panchanama indicates that the door of the house was open when the panchanama was sought to be conducted. Charge-sheet has now been filed and therefore the applicant is entitled to be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that statements of witnesses clearly indicate the involvement of the present applicant. Earlier threats were also given by the applicant doubting the character of his wife. The deceased expired on account of head injuries.

Perused the First Information Report as well as statements recorded. Statement of the son of the applicant Harshit has been recorded in which he has stated that the applicant was quarreling with his wife and that on the said date, he had hit her with a hammer. The cause of death after the Post Mortem report is head injury. The hammer in question has been recovered at the instance of the applicant. I therefore find that there is substantial material against the present applicant

justifying the implication. Hence I am not inclined to enlarge the applicant on bail.

It is clarified that the observations made in this order are only for deciding this application which is rejected.

**JUDGE**