

902- BA 2932 of 2017

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

BAIL APPLICATION No. 2932 OF 2017

Yashwant Shamrao Padalkar

....Applicant

Vs.

The State of Maharashtra

.....Respondent

Mr. Umesh Naik i/b. Mr. Umesh R. Mankapure for Applicant
Mr. Prashant Jadhav -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 14, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code. The Applicant herein is arrested in Crime No. 74 of 2017 registered at Ashta Police Station on 21.7.2017 for the offence punishable under Section 302, 201 of the Indian Penal Code.

2. It is the case of the prosecution that on 21st July, 2017, one Sunita Govinda Solankar lodged a report at the police station alleging therein that she happens to be the sister of one Akkatai Padalkar. That she had love relations with one Kalidas. Therefore, Yashwant, who happens to be a husband of her sister i.e. the present Applicant, was annoyed with her. That a year prior to

2017, she had left the house with Kashinath. A missing report was given to the police station. After four months, Kashinath had asked the relatives to take her home.

3. On 20th July, 2017, Akkabai visited the Complainant, she had asked her for some monetary help. That Akkatai had not returned home. Thereafter, the grand-mother of the complainant had informed that Akkatai had left the home in the company of the Applicant at 11.00 a.m. and not returned back. It is pertinent to note that the Applicant was also found missing for some time. In the course of investigation, it was revealed that on 21st July, 2017, the dead body was found in the well. The dead body was sent for postmortem. The postmortem notes indicate that the cause of death is due to the serious injuries, which are on head, neck, both hands and face. It was, in these circumstances, the first informant was constrained to approach the police station and lodge a report at the police station against the present Applicant. The Applicant was arrested.

4. It is the contention of the learned counsel for the Applicant that there is no material on record to indicate the complicity of the Applicant with the homicidal death of his wife. That he is innocent and he has been arraigned as an accused only on suspicion.

5. This Court is of the opinion that there is material to show that the Applicant was the last person in the company of the deceased. The grandmother of the first informant and the deceased has specifically stated that the deceased had left the house with of her husband and has not returned home. He has not explained for the same. Neither he had searched for his wife nor reported that she was missing. It is in these circumstances, the application seeking enlargement on bail deserves to be rejected. It is made clear that the observations are restricted to an application under section 439 of Cr.P.C. and shall not be taken into consideration at the time of trial. Bail application stands dismissed and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]