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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.445 OF 2019

Mallappa Namdeo Kutekar ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Kuldeep U.Nika, for the applicant.

Mr.A.A.Palkar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 8, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest on February 28, 2018 in crime No.28/2018 for offence punishable under sections 302 of the Indian Penal Code registered with Kadegaon police station, Kadegaon, District Sangli, the applicant came to be charge-sheeted.

3. The prosecution case against the present applicant is, complainant Daulatrao Patil alleges that the present applicant with

his wife were working with him. The wife of the present applicant was found to be murdered in the night between February 27, 2019 and February 28, 2019 with the aid of an axe.

4. After investigation was completed, blood stains clothes of the applicant and the weapon i.e. blood stained axe were recovered from the spot.

5. In the aforesaid background, the submission of the learned counsel for the applicant is, the case against the applicant is based on circumstantial evidence i.e. last seen. According to him, when the dead body was discovered by the complainant, the applicant was not present at the spot. So also, on the earlier night, the applicant had gone to some other village namely, Amrapur. That being so, it is difficult to infer that the applicant was lastly seen with the deceased before her death.

6. Learned APP relied on the investigation carried out and submits that there is sufficient material to infer the involvement of the applicant in the crime in question.

7. Deceased Kamal was married to the applicant and investigation reveals that the applicant most of the time used to suspect her character. The spot panchanama speaks of the

evidence and material available on the spot. In the aforesaid background, the applicant being the husband of the victim Kamal, in the backdrop of the aforesaid motive, is rightly inferred to have been involved in the crime in question.

8. The blood stained clothes of the applicant who stayed with the victim Kamal in the night and since his absence from the spot of incident on the next day morning, sufficiently implicates the applicant in the crime in question.

9. For the aforesaid reasons, having noticed that there is a strong circumstantial evidence available against the applicant, no case for bail is made out. The application is rejected.

(NITIN W. SAMBRE, J.)