

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

CRIMINAL APPLICATION NO.430 OF 2019

IN

CRIMINAL APPEAL NO.417 OF 2019

Baban Balwant Paygude

...Applicant

vs.

The State of Maharashtra

...Respondent

CRIMINAL APPLICATION NO.404 OF 2019

IN

CRIMINAL APPEAL NO.430 OF 2019

Mr. Priyal G. Sarda for the appellant in Appeal No.417/2019.

Mr. Shailesh Kharat for the appellant in Appeal No.430/2019.

Ms. Mhatre, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**

DATE : 11/06/2019.

P.C.:

. The matter is being considered by this Court since 2/5/2019.

2. Today learned counsel for applicant (father-in-law of victim) states that because of unfortunate death of wife of applicant, applicant has been released on death parole. He pointed out that minor grand son of applicant i.e. son of accused No.1 was being looked after by deceased accused and now only present applicant is left out to take his care. On merits submission is victim committed suicide by hanging and the position of ligature mark apparent in the post mortem report supports the same. It is further pointed out that other injuries are also explained during cross examination of doctor and hence death of victim is not homicidal at all.

3. Learned APP is opposing release on bail. She invites our

attention to orders passed by this Court on 4/6/2019 in Criminal Applications No.430/2019 and 404/2019. She submits that accused No.1 is son of present applicant while other applicant was wife of present applicant. The other applicant refused to get operated in the hospital and hence she was discharged. She expired on 4/6/2019 itself.

4. She submits that injuries on palm of deceased victim and the occipital region do not support suicide. According to her material on record has been rightly appreciated by the trial Court and death of victim is nothing but a murder. Our attention has been invited to mental health report dated 11/6/2019 sent by Yerwada Central Prison, Pune. Copy of this report is taken on record and marked as Exhibit "A". It shows that present applicant was under treatment for some psychotic disorder. We find it not necessary to dwell on this aspect. Injuries on palm and occipital region are noticed in post mortem report and therefore prima facie do not support the contention that the victim-the daughter-in-law had committed suicide. Trial Court has appreciated this aspect and at this stage it is not possible for us to appreciate evidence threaded there.

5. In this situation, we find request for bail moved by the present applicant unsustainable. It is rejected.

6. Needless to mention that the questions arising out of need to look after the minor grand child or then alleged psychotic disorder of applicant, are kept open and can be looked into at appropriate stage as and when occasion therefor arises.

7. The application is rejected.

CRIMINAL APPLICATION NO.404 OF 2019

On account of unfortunate death of the applicant on 4/6/2019, the application has become infructuous. The application is accordingly

disposed of.

CRIMINAL APPEAL NO.430 OF 2019

Learned counsel for deceased applicant/appellant is seeking time to find out whether steps under section 394 of Cr.P.C. can be taken in the matter. List the matter after 2 weeks.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)