

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

BAIL APPLICATION NO.869 OF 2019

Rajkumar Ramsingar Kushwaha Applicant

versus

The State of Maharashtra Respondent

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- Mr.Shaikh Mohammed Jameer Kalinder, Advocate for Applicant.
- Mr.S.R. Agarkar, APP for the State/Respondent.
- PSI Vinayak Deokar, Yawat Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JUNE, 2019

P.C. :

1. This application for bail is preferred by the Applicant in connection with C.R.No.998/18 registered with Yawat Police Station, Pune, under sections 302, 201 of the Indian Penal Code.
2. The FIR is lodged on 10/10/2018 by one Kailash Appa Chormale. He was the owner of a house where the Applicant was residing with his deceased wife Soni. The first informant

has mentioned in his FIR that on 08/10/2018 at about 08.00 p.m. the present Applicant and his wife were seen walking together towards Chowk. At 10.30 p.m. when the first informant looked at their door, it was closed. On the next day when he came back after his business at around 02.00 p.m. Police Patil Mr.Avinash Ankush Shendage was waiting for him. He showed a photograph of Soni to the first informant. Soni was found in a well with injuries. At about 02.30 p.m. the Applicant had called the first informant and had told him to give phone to Soni. At that time, the first informant reminded him that since the Applicant himself had left with Soni, he himself would be in a position to tell regarding her whereabouts. On further enquiry, the Applicant told the first informant that he was at Shirur and he further told the informant to search for Soni in the well. On this, the first informant told the Applicant that Soni was admitted in a hospital. The Applicant then asked the first informant as to whether Soni was still alive. The Applicant added that, she did not deserve to live and if she was alive she should be given the phone. From this conversation, the first

informant came to know that the Applicant himself has committed the murder of his wife Soni. Based on this he has filed the FIR.

3. Investigation is over. Charge-sheet is filed. The Applicant is arrested on 10/10/2018 and since then he is in custody. The post-mortem notes show that there were incised wounds on the dead body of the deceased. The wounds were on head and other parts. The deceased had met with homicidal death. There were in all 11 injuries. The cause of death was mentioned as "Death due to Asphyxia due to strangulation with head injury".
4. The charge-sheet also includes a recovery of Panchanama and the memorandum statement of the Applicant which led to recovery of knife at his instance.
5. Thus there are three important circumstances against the present Applicant;

- (i) Last seen together
- (ii) Knowledge about Sony's whereabouts and the conversation with the first informant which amounts to extra-judicial confession; and
- (iii) Recovery of knife at his instance.

6. All these circumstances are strong circumstances against the present Applicant and each of them is sufficient to prove the guilt against the present Applicant during trial. In this view of the matter, I am not inclined to grant bail to the Applicant. The application is therefore rejected.

(SARANG V. KOTWAL, J.)