

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1198 OF 2019**

Radheshyam Lalu Chaudhari	...Applicant
Versus	
State of Maharashtra	...Respondent

Ms. Rushita Jain I/b Mr. Abhishek Mishra for the Applicant

Mr. A. A. Palkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 19th AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-49 of 2018 registered with the Shrinagar Police Station, Thane, for the alleged offences punishable under Section 302 of the Indian Penal Code.

3 Perused the papers. The prosecution case rests on circumstantial evidence. The applicant is the husband of deceased-Priyanka. According to the prosecution, there used to be frequent quarrels

between the deceased and the applicant. It is alleged that on 9th April 2018, there was a quarrel between the applicant and his wife-Priyanka (deceased) and on 10th April 2018, the landlord of the room-Ritesh Mourya found the room (in which the applicant and the deceased were staying) locked from outside. Pursuant thereto, the owner/landlord of the premises opened the door and found the dead body of Priyanka in the room with several injuries on her person. The statements of two witnesses (neighbours) show that Priyanka had disclosed to them that there used to be quarrel between her and the applicant, as the applicant was suspecting her character. Priyanka is also alleged to have disclosed to neighbours that the applicant would take her salary and send it to the village. The witnesses have further stated that on 9th August 2018, they heard a quarrel between the applicant and the deceased and since it was a usual quarrel, they did not pay much heed to it. The witnesses have further stated that after sometime, the applicant came outside the room and sat by himself, when the landlord-Ritesh Mourya came and told him that since they were continuously fighting, they should leave the premises in the morning on the next day. They have stated that pursuant thereto, the applicant went to his room for sleeping at around 10:00 p.m. They have further stated that on 10th April 2018 at about 8/8:30

a.m., when Ritesh Mourya-owner of the premises went to the room of Radheshyam for vacating the same, he found that there was a lock outside the door, pursuant to which, he broke open the lock and when he entered the house, he found that Priyanka was lying on the floor in the kitchen with several injuries on her person. It is thus evident that the applicant was last seen with deceased Priyanka. The post-mortem report shows that the deceased had sustained as many as 9 injuries on her person and the cause of death is stated to be 'asphyxia with ligature mark over neck (unnatural)'.

4 Considering the material on record, this is not a fit case to enlarge the applicant on bail. The application is rejected.

5 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.