

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

CRIMINAL BAIL APPLICATION NO. 2327 OF 2019

Ramu @ Rambahadur Jabbar
Vishwakarma

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Ms. Pooja Agarwal, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the state-respondent.
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CORAM : PRAKASH D. NAIK, J.
DATE : 25th November, 2019

PC :

1. This is an application for Bail. The applicant is arrested in connection with C.R. No.115 of 2017 registered with Nigadi Police Station, Dist. Pune, for offence punishable under Sections 302 of Indian Penal Code. (for short 'IPC')
2. The case of the prosecution is that, the wife of the applicant was found murdered in the house. She was strangled. The offence was registered under Section 302 of IPC.
3. The Contention of the learned counsel for the applicant is that there is no cogent evidence against the applicant to establish his involvement in the crime. There is no eye witness to the incident. The statement of one of the witness namely Ramesh Vishwkarma shows that, the applicant had taken money from him as his daughter

was ill and that he had gone out at about 11.30 am. It is submitted that the said witness also mentions that after returning at about 12.00 noon, the applicant was shouting that his wife has died. It is further submitted that, applicant was not the present at the place of incident when the wife was killed. It is further submitted that the minor injuries noticed on the person of the applicant, cannot be inferred as injuries sustained while committing the crime. There was enmity between the applicant and his in laws who had attributed motive to him.

4. Learned APP pointed out statements of witnesses, the spot panchanama, arrest panchanama and post mortem report. On perusal of the documents on record it is clear that the incident had occurred in the house of the applicant. The statement of witness Ramesh Vishwakarma mentioned that, on 2nd March 2017, the applicant approached him at about 10.30 am. He was seen under tension and in disturbed state of mind. He asked him the reason for the same. The accused told him that his daughter is not keeping well. The witness noticed that she was suffering from fever. The witness gave him Four Hundred Rupees. The accused left from the place. Subsequently at 12.00 noon he shouted that his wife has is dead. The statements of other witnesses recorded during the investigation mentions that the applicant was alcoholic and he used to harass the

deceased. The victim died in the house. She was strangled. The applicant left house for going to doctor with daughter. Nobody seen him as to when he had returned. It is difficult to infer that deceased was killed by some other person while the applicant was not in the house. In the aforesaid circumstances, prima facie case is made out against the applicant. The deceased was in company of the applicant. Hence, no case for grant of Bail is made out. Application stands rejected. Trial is expedited.

(PRAKASH D. NAIK, J.)