

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

CRIMINAL BAIL APPLICATION NO.2441 OF 2019

Sachin Bhagwat Ige

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Kuldeep Nikam, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PSI Mr.Vikas Namdev Kale, Vavi Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.195/18 registered with Vavi Police Station, Nashik, under sections 307 r/w 323 of the Indian Penal Code.
2. The Applicant is arrested on 26/09/2018 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The FIR is lodged by the victim Rohini Sachin Ighe on 25/09/2019. She has stated that she was residing alone and was working as a helper in a school bus. She had developed love affair with the Applicant since about 8 years prior to the incident. They were having a son who was aged 4 ½ years. She has mentioned in the FIR that the Applicant was suspecting her character and was therefore harassing her. He was suspecting that the victim was having relations with one Nilesh Unhavane. On 24/09/2018, the Applicant on the pretext of settling the matter with Nilesh, took the victim to Nilesh's house. Nilesh was not present in his house. Therefore on the victim's suggestion they went to Nilesh's poultry farm at Gonde. But he was not even there. They went near a well, which was near that poultry farm. At that time, the Applicant assaulted her and pushed her in the well. That was done at 07.45 p.m. on 14/09/2019. Till about 07.00 a.m. in the morning she was trapped in the well. She could not come out. In the morning she raised shouts. Passers by saw her. The police were informed and she was taken

out of the well and thereafter on the basis of this she lodged her FIR. The Applicant was arrested. Charge-sheet contains the statements people who had seen the victim trapped in the well. The injury certificate shows that she had suffered injuries on the back and chest.

4. Heard learned Counsel Mr.Kuldeep Nikam for the Applicant and learned APP Mr.Prashant Jadhav for the State.
5. Learned Counsel Mr.Nikam submitted that there was no intention to commit her murder. In the state of anger, the Applicant pushed the victim in the well. He further submitted that the Applicant is in custody since 26/09/2018. The investigation is over and therefore the Applicant should be granted bail. He added that the victim and the Applicant had gone in search of Nilesh and there was no intention or premeditation to commit murder of the victim.
6. Learned APP opposed these submissions and added

that the manner in which the offence is committed does not entitle the Applicant to be released on bail.

7. I have considered all these submissions. The facts at this stage cannot be disputed. The Applicant had pushed the victim in a well. The spot Panchanama shows that the well was 72 ft. deep. Therefore the Applicant was well aware of the consequence of his act. Only because there was some water in the well, the Applicant was saved. Even after pushing her in the well, the Applicant took no steps to save her even as an afterthought. It is only on the next morning she could be noticed and could be rescued. This act on the part of the Applicant clearly makes out the offence u/s 307 of the Indian Penal Code. The offence was committed in a cruel manner and no leniency can be shown at this stage. Therefore I am not inclined to grant bail to the Applicant. The application is therefore rejected.

(SARANG V. KOTWAL, J.)