

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 08 OF 2019
(Gujabrao Tryambakrao Laghe .v. State of Maharashtra)

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Shri N.R. Tekade, Advocate for the applicant.
Shri I.J. Damle, APP for the respondent/State.

CORAM : M.G. GIRATKAR, J.
12TH FEBRUARY, 2019.

Heard.

A report was lodged by the daughter of deceased. As per the report, husband of deceased died before 20 years back. The applicant/accused was in service. He started illicit relations with the deceased under the promise of marriage. Deceased was insisting the accused to perform marriage with her. He was saying that after the marriage of his daughter, he would perform marriage with the deceased. She waited for the marriage of the daughter of applicant/accused. Even after the marriage of the daughter, the applicant failed to perform marriage and thereafter also continued sexual intercourse with the deceased. He used to call her and she used to go to him and had a sexual intercourse.

On the day of incident, she was called by the accused. She went to the accused. There was quarrel with the accused and accused beat the deceased by stone and thrown her dead body in the well.

Shri Tekade, learned Counsel for the applicant has submitted that there is no eye witness and material evidence against the accused.

Shri Damle, learned APP has pointed out the

statement of witness Nikhil Dhoble and the statement of daughter of the deceased. Learned APP has strongly objected the application.

From the perusal of the report and the statement of daughter of the deceased, it is clear that before the incident, deceased used to request the accused to perform marriage with her. On that count, there was quarrel between them. Accused used deceased as like as his wife for years together. As per the statement of Nikhil Dhoble, he had lastly seen the deceased in the company of accused on 18.08.2018 and on 19.08.2018, he came to know about the death of deceased. As per the confessional statement recorded, the stone is recovered by the investigating agency. Though there is no eye witness to the incident, circumstances appear to be strong.

In the result, the application is rejected.

JUDGE

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