

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

Criminal Application (BA) No. 380 of 2019

Tukaram S/o Kisan Kurwade

Vs.

State of Maharashtra through P.S. Mangrulpir Dist. Washim

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

Court's or Judge's orders

Mr. P.S. Giradkar, Advocate for applicant.
Mr. J.Y. Ghurde, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 20, 2019

The applicant herein has approached this Court seeking bail in respect of offences registered against him under Sections 302 and 506 of the Indian Penal Code. The allegation against the applicant is that he caused the death of his wife by using stones and smashing her head.

2. The complaint in the present case was lodged by mother-in-law of the applicant. It was claimed that the applicant was upset with the victim i.e. his wife for the reason that a girl child was born out of their marriage. On 16/06/2018 the oral report was lodged by the complainant stating that her daughter i.e. the victim was taken by the applicant from the house of the complainant purportedly for preparing Adhar card of the victim. It was stated that the victim

did not come back home and that in this situation the complainant had approached the police, but upon enquiries it was found that the applicant had taken the victim to a field and caused her death by smashing her head with stones.

3. The learned counsel for the applicant submitted that he was arrested on 17/06/2018 and he has been behind bars since then. It was submitted that investigation is complete and chargesheet is filed on 13/09/2018 and that since the investigation is now over the applicant deserved to be enlarged on bail, particularly when there was absence of sufficient material against the applicant.

4. On the other hand, the learned APP invited attention of this Court to the statements of the complainant and other witnesses showing that the applicant and the deceased were last seen together on the date when the deceased went missing. On this basis, it was submitted that the application deserved to be rejected.

5. Heard learned counsel for the rival parties and perused the material placed on record. A perusal of the complaint leading to registration of FIR and statements of witnesses, including that of the complainant, shows that consistently all the witnesses have stated that the deceased was found in the

company of the applicant on the day she went missing. The dead body of the victim was found with serious injuries on her head and face by means of stone. The nature of the brutal assault and the manner in which the victim was put to death coupled with the fact that there are number of witnesses having last seen the applicant with the victim would show that there is prima facie case against the applicant. The material on record and the circumstances of the present case indicate that if the applicant is enlarged on bail there is possibility of witnesses being harassed and influenced. In view of the above, this Court finds that there is no merit in the application and it is dismissed.

JUDGE