

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO.1429 OF 2020

SANTOSH S/O RAMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Bilolikar Upendra B.
APP for Respondent-State : Mr. A. A. Jagatkar
.....

CORAM : V. K. JADHAV, J.
DATED : 11TH DECEMBER, 2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No. 159 of 2020 registered with Mukhed Police Station, District Nanded for the offence punishable under Section 302 read with 34 of IPC. His application with similar prayer bearing Criminal Bail Application No. 205 of 2020 came to be rejected by Sessions Judge-2, Kandhar, Link Court, Mukhed.

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2. Learned counsel for the applicant submits that the investigation is over and the charge sheet has been submitted. The applicant is in jail in connection with the present crime since 04.05.2020. Learned counsel submits that the applicant resides separately from his parents and as such it appears that there is nobody to look after his minor children. There is no direct evidence in this Case and the prosecution case entirely rests upon circumstantial evidence. The applicant is ready to abide the conditions, if imposed by this Court while enlarging the applicant on bail. The applicant may be released on bail.

3. Learned APP has strongly resisted the application on the ground that the deceased was treated well for a period of three years after marriage but thereafter, the applicant started ill-treating her by suspecting about her character. Even two months prior to the death, deceased Renuka had been to her parents' house and at that time she had disclosed to her parents that the applicant is now continuously giving her ill-treatment by suspecting about her character. Learned

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APP submits that there is evidence that on the date of incident the applicant was in the house itself and he has made extra-judicial confession before his uncle, nephew and father about having committed murder of the deceased by suspecting about her character. Even the piece of wire used in constricting neck of the deceased was seized while drawing spot panchanama itself. *Prima facie* there is strong case against the applicant. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge sheet, *prima facie* there is evidence about motive. The applicant was suspecting about the character of the deceased. Some two months prior to the death, the deceased had been to her parents' house for undergoing family planning operation and at that time, she had disclosed to her parents that the applicant was ill-treating her severely by suspecting about her character. On 30.04.2020 i.e. few days prior to the death, the parents of the deceased also gave understanding to the applicant

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about the same. Even two days prior to the death, deceased Renuka had phoned to her mother and informed that even after the said understanding, she was subjected to ill-treatment by the applicant for the same reason. On perusal of the statement of the witnesses, it appears that immediately after the incident, the applicant has made extra-judicial confession before his near and dear ones, including his father. The applicant has admitted his guilt before them by crying. The applicant has told his near relatives that he has committed murder of his wife by suspecting about her character. On perusal of the postmortem report, it appears that the probable cause of death is strangulation as opined by the Medical Officer who has conducted postmortem examination. *Prima facie* there is evidence about homicidal death. The deceased died in her matrimonial home. The applicant was residing separately. He was very well present in the house at the time of the incident. There is no explanation as to how the deceased died a homicidal death in her matrimonial home. The wire used in constricting the neck was found at the time of drawing the panchanama.

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Prima facie there is strong case against the applicant. I am not inclined to release the applicant on bail. Hence, following order.

ORDER

The application is hereby rejected.

(V. K. JADHAV, J.)