

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

CRIMINAL APPLICATION (BA) NO. 75 OF 2020

Ranjit s/o Bhimrao Raut

vs.

The State of Maharashtra through PSO PS Dist. Gondia

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

Court's or Judge's orders

Mr. R. M. Pande, counsel for the applicant.
Mr. S. S. Doiphode, APP for non-applicant State.

CORAM : MANISH PITALE J.

DATED : 28/08/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant.
3. By this application the applicant seeks bail in connection with FIR dated 01/06/2019 registered against him for offences punishable under Section 302 and 309 of the Indian Penal Code (IPC).
4. In the present case the material on record indicates that the applicant and deceased were married on 26/05/2019 and on 01/06/2019 itself the incident in question took place wherein the victim i.e. the wife of the applicant was found to be dead due to strangulation.

5. The learned counsel for the applicant invited attention of this Court to the contents of the FIR, as also the material on record. It is claimed that a certificate was issued by the Regional Mental Hospital, Nagpur on 02/07/2019 stating that the applicant was unfit for trial, indicating that his mental condition was not such that he could face trial. On this basis it was submitted that the applicant could be released on bail as he required treatment and care, which would not be available in custody.

6. In response, the learned APP brought to the notice of this Court that a certificate dated 01/10/2019 was issued by the same Regional Mental Hospital, Nagpur, which was placed on record with the reply stating that the applicant was indeed fit for trial. Apart from this, the learned APP invited attention of this Court to recovery of blood stained towel which was recovered at the behest of the applicant and with which he allegedly strangled the victim. Attention of this Court was also invited to the Postmortem Report. On the basis of material on record, learned APP vehemently submitted that the dead body of the victim was found in the house of the applicant and it was for him to give explanation regarding the incident. It was also emphasized that the victim died within a week of marriage with the applicant. There was also material to indicate that he had inflicted injuries upon himself, leading to registration of offence under Section 309 of the IPC, apart from Section 302 of

the IPC. It was submitted that the applicant did not deserve to be enlarged on bail.

7. Having heard the learned counsel for the rival parties and upon perusal of the of the material on record, it is evident that the victim died within a few days of marriage with the applicant. The oral report leading to registration of FIR also shows that the victim had expressed only a couple of days before the incident that there was danger to her life from the applicant. There is no doubt about the fact that the blood stained towel allegedly used to strangle the victim was recovered at the behest of the applicant. Therefore, there is ample material on record to prima facie show the direct involvement of the applicant in the death of the victim.

8. In so far as the certificate regarding the applicant being unfit for trial is concerned, the subsequent certificate placed on record by the non-applicant State along with reply shows that the latest certificate indicates that the applicant is fit for trial. This aspect has been considered by the Sessions Court also and upon the learned Judge of the Sessions Court putting questions to the applicant, it has been recorded that the Court found him to be fit for facing trial. It is correctly recorded by the Sessions Court that it is safer for the applicant in custody rather than being released on bail. Only because there is one document indicating the mental status of the applicant as being unfit for trial, it

cannot be said that the same can accrue to his benefit, particularly in view of the subsequent certificate placed on record by the non-applicant State. It appears that the applicant remaining in custody would be safe for him as well as the witnesses in the present case.

9. In view of the above, it is found that there is no merit in the present application for bail. Accordingly, it is dismissed.

JUDGE