

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

CRIMINAL APPLICATION (BA) NO. 187 OF 2020

Gajanan s/o Haribhau Duthade

vs.

The State of Maharashtra thr. P.S.O. Umarkhed, Tah. Umarkhed, District - Yavatmal

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

Court's or Judge's orders.

Shri T.M. Malnas, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant / State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 09, 2020.

Heard.

2. The present applicant is seeking bail in Crime No. 268/2019 for the offence punishable under Section 302 of the Indian Penal Code registered at police station Umarkhed, Tah. Umarkhed, District Yavatmal.

3. The allegation against the present applicant, as per prosecution story, is that he committed murder of his wife – deceased Sunita Duthade by strangulation with dupatta.

4. Shri Malnas, learned Counsel for the applicant urged to release the applicant on bail mainly on the ground that the case is based on circumstantial evidence and the Hon'ble Apex Court in the case of **Balkrishna Tularam Angre Vs. State of**

Maharashtra reported in **2018 ALL MR (Cri) 898 (S.C.)** released the murderer - accused on bail as the case was based on circumstantial evidence.

5. Learned counsel also submitted that the prosecution story with regard to last seen theory cannot be believed as the prosecution has failed to conduct test identification parade when the accused was unknown.

6. Learned Additional Public Prosecutor strongly opposed the application by filing the reply on behalf of the State.

7. I have perused the application, affidavit-in-reply and the charge-sheet with the assistance of learned for both the sides.

8. At the outset, a perusal of the charge-sheet would reflect a chain of circumstances against the present applicant right from matrimonial litigation pending in the Courts, threats of life to the deceased, statement of sister-in-law – Jyotsna of the deceased, statement of lawyer of the deceased to whom she met on the day of incident and the statement of last seen witness, death due to strangulation, etc. In view of above, *prima facie* case for murder appears.

9. Considering the chain of circumstances, at this stage, in the opinion of this Court, this is not a fit case to pass any order in favour of the applicant.

Hence, the applicant does not deserve to be released on bail. The application stands rejected.

JUDGE

D.S. Baldwa