

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

39 BAIL APPLICATION NO.345 OF 2021

**MINESH HARIBHAU CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr.Doke Kishor R. and Mrs.Doke (Renge)
Satyavati K.

APP for Respondent-State : Mr.S.B.Narwade

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CORAM : SANDEEP K. SHINDE , J.

DATE : 19th July, 2021.

P. C. :

1. Heard Mr. Doke, learned counsel for applicant and learned APP for State.

2. Applicant seeks his enlargement on bail, in connection with crime No. 138 of 2020, dated 07th May, 2020, registered at Bidkin Police Station, Aurangabad (Rural), for the offences punishable under Sections 302, 376, 376(A) read with Section 34 of Indian Penal Code ('IPC' for short).

3. Chhaya, (deceased) was the sister-in-law of applicant. Chhaya's husband's name is Bapu. In May, 2020, Chhaya died due to manual strangulation. Chhaya's mother lodged the complaint. She was suspecting complicity of Bapu and one woman with whom Bapu

had illicit relations. However, on 10th May, 2020, complainant (mother of Chhaya) told police that Chhaya had illicit relations with applicant for last three years and since Chhaya had refused to continue the relations with applicant, she was strangled by applicant in the agricultural field. Whereafter, applicant was arrayed as an accused in the crime.

4. Learned counsel for applicant would urge that applicant has been falsely implicated by mother of the deceased. It is argued that Bapu (husband of deceased) and his paramour eliminated the deceased, since she went on complaining against her husband about his extra marital affair. Learned counsel would further submit that there is no evidence against applicant except the supplementary statement of mother of the deceased. It is urged that applicant being 20 years old person with no criminal antecedents and since the trial is not likely to commence in near future, he may be granted bail by imposing conditions for securing his presence for trial.

5. I have perused the supplementary statement of the complainant recorded on 10th May, 2020, whereafter, applicant was arrayed as an accused. Obviously applicant's name was not disclosed, when the first information report was lodged on 06th May, 2020. Yet, there is evidence on record to imply the complicity of applicant in the crime. Medical evidence on record indicates that the

deceased was sexually assaulted before causing her death by strangulation. Vaginal/cervical swab of the deceased was collected and referred to DNA division; As also blood of applicant was referred to DNA division. The result of DNA analysis dated October, 2020, reads that DNA profile obtained from (Exh.- 1) Vaginal swab, (Exh.-2 and Exh.-3) cervical swab of the deceased are identical and matched with controlled DNA profile obtained from blood of applicant. Additionally, earth (Exh.-5), collected from Nikar (Exh.-1), full pant (Exh.-2), full shirt (Exh.-3), blouse (Exh.-4), full shirt (Exh.-7) and full pant (Exh.-8), tallies with earth in (Exh.-5).

6. In view of the examination report and result of DNA analysis, in my view, application deserves no consideration. It is rejected.

7. Applicant is 21 years old. As such, learned Sessions Court shall make an endeavour to dispose of the trial in Sessions Case No. 213 of 2020 as expeditiously and preferably before the 30th May, 2022.

8. Application is rejected and disposed of.

**(SANDEEP K. SHINDE)
JUDGE**