

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 BAIL APPLICATION NO.448 OF 2021

SOMNATH LAXMAN INGAVALÉ
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Salunke Sudarshan J.
APP for Respondent-State : Mrs. D.S.Jape
...

CORAM : **SANDEEP K. SHINDE , J.**

Date :-05th July, 2021.

P. C. :

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. Applicant seeks his enlargement on bail in Crime No. 1399 of 2020 dated 20.9.2020 registered with Rahuri Police Station, District Ahmednagar, for the offences punishable under Sections 302, 504, 506 of the Indian Penal Code ('IPC' for short).
3. The applicant is husband of the deceased Anita. Their marriage was solemnized in June, 2017. Anita died in suspicious circumstances in the matrimonial home. In the postmortem report the opinion as to the probable cause of death was, "Asphyxia due to compression of neck and Air passage due to soft ligature strangulation".
4. Her father reported unnatural death of to the police, whereafter, the subject offence was registered. Applicant was arrested on 24th September, 2020.

5. Learned counsel for the applicant would submit that since the investigation is over and the charge-sheet has been filed, the applicant may be granted bail and his presence for trial may be secured by imposing appropriate conditions.

6. Learned counsel would submit that on the date of the incident i.e. on the intervening night of 22 and 23 September, 2020, the applicant was not at home. He was taken that ground as ground No. VII in his application. When confronted him as to where the applicant was, at the relevant time. Learned counsel could not satisfy me.

7. Be that as it may, the postmortem report shows that the deceased Anita suffered homicidal death and that too, in her matrimonial home. The material in the charge-sheet points out, the applicant was suspecting character of the deceased. Indisputably, the deceased was living with applicant and two children. Therefore, circumstances in which Anita died were to be presumed within the special knowledge of the applicant. Though the investigation is over, the evidence on record suggest complicity of the applicant in the crime. It is punishable with death or imprisonment for life. In view of this application is rejected.

**(SANDEEP K. SHINDE)
JUDGE**