

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.838 OF 2021

Rushikesh @ Banti Mohan Kudalkar .. Applicant
Versus
The State of Maharashtra .. Respondent

...

Mr.Kuldeep U. Nikam for the applicant.
Ms.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 4th AUGUST, 2021

P.C:-

1 The applicant is the sole accused charged in C.R.No. 169 of 2018 registered with Sanjay Nagar police station, District Sangli, by invoking Section 302 of the IPC. He seek his release on bail in view of his long incarceration since 10th December 2018 and the submission is since the charge-sheet is filed and investigation is complete, he is entitled to be released on bail.

2 The crime came to be registered on a complaint filed by one Ramdas Mulik, who allege that his wife Vaishali was found dead in one of the class room of Shanti Niketan College, attached to Yeshwantrao Chavan Open University where she was pursuing

her education. On visit to the classroom, he saw his wife lying on the floor with blood oozing from her nose and mouth and froth coming out of her mouth. On being declared dead, her body was forwarded for post mortem and cause of death is opined as 'Asphyxia due to smothering'.

3 The complainant expressed that the applicant who is a teacher in YCM College, used to visit his wife to teach her and he used to call his wife on number of occasions in a day and insisted that she talk to him. His wife had protested to such behaviour of the applicant. During investigation, several statements came to be recorded. One Archana Mali, who was pursuing her education in the same college under YCOU, has stated that she was taught Political Science by the applicant and on 9th December 2018, she visited the college at 11.05 a.m, accompanied by her friend Tejashree whose statement is also recorded. They proceeded towards their classroom for attending the class of Political Science. When the classroom was found locked from inside, and when tapped on the door, the applicant who was present inside, told them to wait as he was indulged in some activity. The witness state that she recognized the voice of the applicant. The witness state that she recognized the voice of the applicant. Thereafter, they went to another classroom and after a while, the applicant was seen rushing out of the classroom with a sack on his back. When they approached the classroom,

door was ajar and on entering, one woman was found lying on the floor next to the dias who was bleeding through her nose and mouth. The incident was reported to the police and on the basis of the papers in her purse, her identity was established as Vaishali Nalwade.

4 Statement of Akhil Nazir Jamadar is also on the similar lines. All the three witnesses saw the applicant coming out of the room where the classes for Political Science used to be conducted. Apart from the aforesaid statements, there is a CCTV footage about presence of the applicant in the premises and he accompanying the deceased to the upper floor, while coming back, he is seen all alone. Learned counsel for the applicant lay emphasis on the discrepancy in the timings recorded in the CCTV footage which also find explained in the charge-sheet. Ultimately, this is a matter of trial and the applicant may or may not avail the benefit of it.

Since the material compiled in the charge-sheet, implicate the applicant and considering the gravity of the accusations and the material colated against him, the applicant do not deserve to be released on bail.

Application is rejected.

SMT. BHARATI DANGRE, J