

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 208 OF 2020

Shantabai @ Shobha Kallu	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Nikhil Pawar, for the applicant.
Mr. Y. M. Nakhwa, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 4th JANUARY, 2021**

P.C.

. The applicant is facing prosecution for the offence punishable under Section 302 and 182 of the IPC for having intentionally caused the death of her husband Kallappa alias Kallu Shivaji Bagadi.

2. Deceased Kallappa was suffering from T.B. According to prosecution, he was suspecting the character of applicant, on account of which there used to be frequent quarrels between them. The incident in question is alleged to have happened on 21/3/2019 at about 11.30 p.m. when there was a quarrel between the applicant and the deceased. The deceased is alleged to have taken a razor stating that he would commit suicide. It is at this stage that the

applicant is alleged to have snatched the razor from the deceased and slashed the throat of the deceased.

3. In this case, the offence came to be registered on the basis of the complaint lodged by Jayashree Bagadi who is the sister of the deceased who was staying in the neighbourhood of the deceased and the applicant. There are statements of the complainant Jayashree @ Shobha Bagadi and Nagamma Bagadi, the mother of the deceased and Renuka Katgeri on the point of disputes and frequent quarrels between the applicant and the deceased. Prima facie, there is an extra judicial confession made by the applicant with Nagamma Bagadi, Jayashree Bagadi and others.

4. The learned APP has pointed out that the applicant was the only occupant of the house where the deceased was residing and therefore, it is for the applicant to have explained the circumstances which led to the death of Kallappa Bagadi. It is pointed out that the applicant initially filed a complaint claiming that the deceased had committed suicide on account of being fed up with his ill health.

5. The learned counsel for the applicant has pointed out that although in the alleged extra judicial confession the applicant has

claimed that she assaulted the deceased on his neck twice. Para 17 of the Post Mortem report, shows only one injury.

6. In my considered view, the evidence cannot be examined in details at this stage. As rightly submitted on behalf of the prosecution, it appears that the applicant was the only occupant of the house where the deceased was residing. At least, prima facie, the nature of the injuries rule out the possibility of these injuries being suicidal in nature. There is an extra judicial confession made by the applicant before Nagamma Bagadi and others. The offence is punishable with minimum sentence of imprisonment for life. Considering the over all circumstances, I do not find that this is a fit case, where the applicant can be released on bail. In the result, the application is dismissed. The trial is expedited.

C.V. BHADANG, J.