

the deceased at this residence, kept the dead body for one day in the house and thereafter disposed it off by throwing it near Chikhalohal Shivar. The body was found in a partially burned condition. The prosecution case rests on direct evidence. The daughter of the applicant and the deceased, aged 11 years is the prime witness in the said case. The statement of the daughter reveals the manner in which her father (deceased) was assaulted by Kailash Wagh. She talked about the presence of the applicant at the spot and stated that a bed sheet/blanket was put on her father and she was told by the applicant and Kailash that he was asleep. The applicant's daughter is the prime witness, her statement is on page 221 of the application. It appears that thereafter, the applicant alongwith co-accused Kailash took the body to Chikhalohal Shivar, where the body was disposed of. The prosecution case is that the applicant was having an affair with Kailash and as such the same constitutes motive to kill the deceased. The applicant's daughter is the prime witness and the possibility of the applicant influencing the said witness cannot be ruled out.

4. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. Hence, the application for bail is rejected and disposed of as such. However, having regard to the age of the witness i.e. 11 years, at the time of the incident, the trial of the applicant is expedited,

lest the said witness is unable to recall the incident, due to passage of time. The learned Judge to decide the case, as expeditiously as possible and in any event within 9 months from the date of receipt of this order.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.