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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 840 OF 2020

SAMADHAN UDDHAV PASHANKARAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Mr. S. V. Marwadi i/b N. M. Nadar for the applicant

Mrs. J. S. Lohokare APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 17th NOVEMBER, 2021.

P.C.:

1] Applicant who was arrested on 05/08/2019 is seeking regular bail in C.R. No. 223/2019 registered with Navghar Police Station for offence punishable under Sections 302, 328, 201, 120(B), 404 r/w 34 of the Indian Penal Code.

2] Case of the prosecution is, applicant murdered deceased as applicant was having physical relation with the wife of deceased.

3] I have perused the cause of death as mentioned in the final death certificate dated 14/04/2021 which is produced on record.

4] Mr. Marwadi would urge that post-mortem is conducted by different doctor than the one who has certified the death certificate. His further contention is, even if the death is by smothering, there are no injuries reflected on the body of the deceased and as such, case which is based on circumstantial evidence, cannot be inferred against the applicant.

5] Learned APP opposed the prayer for bail.

6] Considered submissions.

7] Contradictions as are claimed viz. certification by doctor, absence of injuries can be looked into at the stage of trial.

8] However, material placed on record in the form of charge-sheet

sufficiently pinpoints the involvement of the applicant. There are certain discoveries at the behest of applicant under Section 27 of the Indian Evidence Act which prima facie depicts involvement of the applicant in the crime in question. Statement of witnesses speak of last seen together for which the applicant owes an explanation.

9] That being so, no case for bail is made out. Application stands rejected.

[NITIN W. SAMBRE, J.]