

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 248 OF 2021**

Pandurang Kashinath Shingade (In jail)

..vs..

State of Maharashtra, thr. P.S.O.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri R.R. Vyas, Advocate for Applicant.

Ms. N.P. Mehta, A.P.P. for Non-applicant/State.

**CORAM : VINAY JOSHI, J.**

**DATED : 06/04/2021**

Hearing was conducted through Video  
Conferencing.

2. The Applicant/Accused is seeking regular bail in Crime No.337 of 2020 registered with Desai Ganj Police Station, District Gadchiroli for the offence punishable under Section 302 of the Indian Penal Code.

3. On 28.08.2020, wife of the Applicant/accused namely Maya died hence, initial accidental death was registered. During inquiry, it was learnt from the daughter of the accused and deceased, that during night hours, the accused pressed the neck of Maya resulting into her death. Accordingly, crime came to be registered. It is a case of custodial death. The Police recorded statement of applicant's own daughter namely Shital who was partially mentally retarded. She has specifically stated that on the night of the occurrence, her father (the applicant), mother (deceased) and she were at their house. Further, she

stated that during night hours she had connotation, hence she awaked and saw that her father (applicant) was pressing neck of her mother. Accordingly, she informed the things to her neighbour. The Police have also recorded statement of neighbouring lady, who equally stated about receipt of such information. Contextually, I have gone through the Post Mortem notes, which strongly corroborate the case of death by throttling and strangulation. Though it is argued that there was delay in lodgement of First Information Report, however, it is to be noted that the eye-witness is mentally affected lady. Her statement was recorded with the assistance of an expert. Certainly, said fact is to be taken into account while considering the aspect of delay. It is for the accused to explain about the death of his wife. Pertinent to note that the sole eye-witness is the daughter of the Applicant/accused and therefore, if he is released on bail, certainly there are high chances of tampering.

4. Having regard to these facts, seriousness of the offence and the punishment which may attract to the offence, the Applicant/accused is not entitled for bail. In view of that Criminal Application stands rejected.

**JUDGE**

*Trupti*