

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

CRIMINAL APPLICATION (BA) NO. 486 OF 2021

Prabhudas s/o Babbusa Pawar

vs.

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. V. Navlani, Advocate for the applicant.
Mr. I. G. Damle, APP for respondent.

CORAM : MANISH PITALE J.

DATE : 08th JUNE, 2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard Mr. Navlani, learned counsel appearing for the applicant. At the outset Mr. Navlani submitted that there has been a factual misstatement in the application to the effect that the applicant has two small children. This statement was based on a submission made in this regard by the learned counsel appearing for the applicant before the Sessions Court.

It is brought to the notice of this Court that the said statement is not factually correct, because the applicant has two married daughters whose statements are also now placed on record. It is further submitted that the applicant also had a son who unfortunately committed suicide six months prior to the incident, which is subject matter of the present application. The factually incorrect statements inadvertently made in the application are permitted to be withdrawn.

3. Insofar as merits of the matter are concerned, the learned counsel for the applicant vehemently submitted that although there are statements of neighbors to the effect that the applicant had beaten up his wife in the previous evening and her dead body was found the next morning in the house of the applicant, their statements also reveal that the applicant had been treating her in such manner for many years. It was submitted that therefore, on the basis of the material on record, it could not be stated that the applicant had any specific intention of causing the death of the victim i.e. his wife.

4. Mr. Damle, learned APP has opposed the prayer made in the application by inviting attention of this Court to the statements given by the neighbors of the applicant the other material on record, indicating the manner in which the applicant had assaulted the victim on the previous evening and the fact that the police also recovered bloodstained sickle and iron pestle from the place of incident, which was the house of the applicant himself.

5. With the assistance of the learned counsel appearing for the rival parties, this court has perused the order passed by the Sessions Court, rejecting the bail application of the applicant, as also statements of witnesses and other material on record. There is no dispute about the fact that the body of the victim i.e. wife of the applicant was found in the house of the applicant. The statements of the neighbors show that he had assaulted here violently on the previous evening. It is also an admitted position that a bloodstained sickle and iron pestle were recovered from the place of incident.

6. In view of the aforesaid material on record, it is clear that the Sessions Court did not committ

error in rejecting the application for grant of bail. This court has independently considered the material on record, including the statements of witnesses and it is found that the applicant has failed to make out a case for grant of bail.

7. Accordingly, the application is dismissed.

8. Pending applications, if any, stand disposed of.

JUDGE