

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

CRIMINAL APPLICATION (BA) 786 OF 2021

(Ganesh Bhikaji Pohare..vs..State, thr PSO, PS Dongaon, Dist. Buldana)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. R.S. Kurekar, counsel for applicant.
Mr. M.K. Pathan, APP for applicant /State.

CORAM: ROHIT B. DEO, J.
DATE:30.08.2021.

Heard.

2. The applicant is seeking bail in connection with Crime 45/2021, registered with Police Station, Dongaon, Dist.Buldana, for offence punishable under section 302 of the Indian Penal Code.

3. The accusation is that the applicant strangled his wife to death in the night intervening 2.3.2021 and 3.3.2021. The report is lodged by the brother of the deceased, who *inter alia* states that he received a telephonic call from the deceased at 11.00 p.m. on 2.3.2021 from the cellphone of the applicant disclosing that she was being physically assaulted and tortured and requesting that her mother be sent to her matrimonial house. The first informant assured to do the needful. However, even before the mother of the

deceased could intervene, it was the applicant who called the informant and told him that there were complications and his sister is dead. The first informant and the other members of the family rushed to the matrimonial house of the deceased. Since strangulation and other injury marks were visible on the body, homicidal death was suspected and report came to be lodged.

4. The deceased died at her matrimonial home, and while she was in the custody of the applicant. The medical evidence overwhelmingly shows that the death is homicidal. Columns 14 and 17 of the post mortem report observes thus:

“14. Dry Blood present on face at places. Dark red colored marks present over face and neck and upper chest”.

“17. (1) E/o. Ligature mark present discontinuously around neck, placed above thyroid cartilage, directed backward. More prominent over anterior and left part of neck.

Ligature mark :- Reddish brown, hard and parchmented.

Ligature material not brought by on duty lpc.

Total Neck circumference 50 cm.

“O” Shaped Ligature mark of 27 cm in length present on anterior and left side of neck absent on posterior side of size 23 cm. 1 cm thickness at anterior side of neck) in width. Goes track ward direction. Ligature

mark situated :- 06 cm below from tip of right mastoid process and 07 cm below from tip of left mastoid process. 4 cm below from chick and 12 cm above from supra sternal notch and 132 cm from heel. On dissection – the underlying neck tissue dry, hemorrhagic and intra muscular hemorrhage in neck muscle”.

5. The applicant was medically examined and several injuries were noticed which prima facie suggest that the injuries were caused by the attempt of the deceased to resist the strangulation. The injuries which were noticed on the person of the accused are thus:

Sr. No.	Name of injury	Size of each injury	On what part of the body inflicted direction	By what type of weapon inflicted	Probable age of injury	Healing time in absence of complication	Remarks including other examination required.
1	Multiple abrasion (1)7-8 in number	Appx 0.5 x 0.5 cm	Rt arm	Hard blunt	& Within 24 to 48 hrs	3-4 days	Simple
	Multiple abrasion (2) 4 to 5 in number	Appx 1x4 cm	Rt forearm	Hard blunt	& Within 24 to 48 hrs	3-4 days	Simple
2	Multiple abrasion 3 to 4 in number	0.5x0.5 cm	Both side of neck	Hard blunt	& 13	T.T. 0.5gm	
3	Multiple abrasion 20 to 23 in number	0.3x0.5cm	Left arm (left hand)	Hard Blunt	&		
4	Multiple abrasion	0.25x0.5 cm	Abdomen left lateral	Hard Blunt	&		
5	Two abrasion	0.3x0.5cm	Left ear (backside)	Hard Blunt	&		
6	Multiple Abrasion appx 10 in numbers	0.25x0.5 cm	Below left scapula	Hard Blunt object.	&		

6. Prima facie, there is more than ample evidence on record to connect the applicant with crime. The accusation is

heinous. The material on record is weighty. This is not a case where discretion can be exercised.

7. The application is dismissed.

Judge

Belkhede