

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 BAIL APPLICATION NO. 17 OF 2022

**SHANKAR S/O KISHOR SALVE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. N. R. Thorat, Advocate for the applicant
Smt. R. P. Gour, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 15th February, 2022**

PER COURT :-

1. By this application, the applicant is seeking his release on bail in connection with Crime No. 0132 of 2021 under Section 302 of the Indian Penal Code registered with Karjat Police Station, District Ahmednagar.

2. Case of the prosecution in brief is that the deceased Neha was the sister of the informant. She was married to the applicant.

3. On 8th March, 2021 at 12.30 p.m., the informant, her brother Dnyaneshwar Balasaheb Randive and the applicant had assembled at the house of the deceased Neha at Mirajgaon, Taluka Karjat, District Ahmednagar. At about 2.00 p.m., the applicant and Dnyaneshwar Randive were

having their lunch. Informant was washing the clothes outside the house. Soon thereafter she heard screams. When she entered the house, she found that the applicant was abusing the deceased in filthy language. The applicant punched on the face of the deceased. When she fell down, the applicant beat her with kicks and fist blows and also by means of belt. The applicant banged her head on the wall. The deceased was accusing the applicant that he had illicit relations. The informant and her brother Dnyaneshwar left the house. On the way at about 4.00 p.m. they got a message on their mobile phone from the applicant that deceased Neha had committed suicide by hanging. Deceased was admitted to the hospital. She died during treatment.

4. Post-mortem was carried out in which cause of death was disclosed as Intracranial Hemorrhage due to head injury.

5. Heard Shri. Thorat, learned counsel for the applicant and Smt. Gour, learned APP for the respondent/State.

6. Learned counsel Shri. Thorat submits that his marriage with deceased Neha was a love marriage. He submits that the conduct of the informant is unnatural. When the deceased was being beaten, she did not intervene and left the house leaving the couple quarreling with each other. He submits that this conduct is unnatural. Any prudent person would have intervened and stopped the quarrel. He further submits that the applicant himself admitted the deceased into to the hospital. If he had committed murder of the deceased, there was no reason for him to admit the deceased in the hospital. He further submits that the informant and her brother Dnyaneshwar were against the love marriage of deceased Neha with the applicant. Therefore, the possibility of the informant and brother Dnyaneshwar committing the offence cannot be ruled out. He, therefore, prays for releasing the applicant on bail.

7. Charge-sheet is filed. On perusal of the charge-sheet it is seen that the deceased died in the custody of the applicant. Applicant was very much present at the time of

the incident. The postmortem report shows that the deceased had following injuries,

- (1) 'C' shaped impression mark with broader and at upper side of chin bone on right (paracentral) side 7 cm x 1 cm (width variable) to 1/2 cm.
- (2) Bruises over both the palms present
- (3) Bleeding from R ear lobule due to CLW of 2 mm x 3 mm size at aural puncture site present
- (4) Contusion over back covering 10 x 15 cm area of varying size 5 cm x 3 cm 7 cm x 5 cm
- (5) Contusion over thighs R 5 cm x 3 cm, L 6 cm x 5 cm and cause of death is Intracranial Hemorrhage due to head injury.

8. It is not explained, despite making query to the learned counsel for the applicant, as to how deceased sustained injuries. He had no explanation to give. This clearly shows that homicidal death took place when the deceased was in the custody of the applicant. In this view of the matter, there is *prima facie* case against the applicant, I am, therefore, not inclined to release the applicant on bail. Hence application is dismissed.

[M. G. SEWLIKAR, J.]

ssp