

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

932 BAIL APPLICATION NO.33 OF 2022

Somnath Shankar Dighe
Age: 38 years, Occu.: Agriculture,
R/o. Panodi, Tal.Sangamner,
Dist.Ahmednagar.

..Applicant/Petitioner
(Org. Accused)

VERSUS

The State of Maharashtra
Through Police Station Officer,
Ashvi Police Station,
Dist.Ahmednagar.

..Respondent

...
Advocate for Applicant : Shri Z.H.Farooqui h/f.
Shri Niteen V. Gaware
APP for Respondent : Shri G.O.Wattamwar

...
CORAM : M.G.SEWLIKAR, J.

DATE: 23rd February, 2022

PER COURT :-

1. Heard.

2. Prosecution's case in brief is that applicant is the husband of deceased Anita. Informant is the brother of deceased Anita. Marriage of applicant with the deceased was performed about 16 years ago. The couple has three children aged 14, 12 and 10 years respectively. It is alleged in the FIR that the deceased was maintained well for two years. Thereafter, applicant started ill-

treating her on trivial grounds. After three years of marriage, applicant started demanding money to be brought from her parents for purchasing a cow. Since the informant did not have sufficient money, he gifted his own cow to the applicant. Thereafter, the deceased was maintained well for a period of three years. Again applicant started demanding money for purchasing a Motorcycle and on that count he was insisting on the deceased to bring Rs.50,000/- from her parents. About four months before the incident, the informant had paid Rs.10,000/- to the applicant.

3. It is further alleged that on 27th February, 2021 at 01:00 p.m., the informant got a phone call from Sanjay Jadhav informing him that the deceased was admitted in Pravara Hospital, Loni. Therefore, the informant, his parents, his sister and other relatives went to Pravara Hospital, Loni. Informant was told in Pravara Hospital, Loni that the deceased was no more. The deceased had injury on her head. She had injury on her right eye. She was lying in a pool of blood. The informant has alleged that applicant killed the deceased for dowry.

4. Shri Z.H.Farooqui, learned counsel for the applicant submits that the applicant, at the time of the incident, was holding a

wooden rod in his hands. The injury caused to the deceased, as per the *post mortem* report, was incised wound. Incised wound is not possible by means of a wooden rod. He submits that applicant has some psychological problem and therefore, applicant is taking treatment for the same. Said treatment may not be available in the prison. Therefore, he seeks release of the applicant on bail.

5. Shri G.O.Wattamwar, learned APP for the respondent-State supported the order passed by the learned Additional Sessions Judge, Sangamner.

6. Charge-sheet is filed. It is not in dispute that at the time of the incident the deceased was in the house. Applicant was also there in the house. Mother of the applicant, who was present at the time of the incident, has stated in her statement under Section 161 of the Code of Criminal Procedure that she heard screams. When she went inside the house, she found that the deceased had bleeding injury on her head and applicant was standing there with a wooden rod. On seeing his mother, the applicant ran away. *Post mortem* report shows cause of death as head injury. Admittedly, deceased died when she was in the custody of the applicant. Whether the incised wound is possible

by means of wooden rod is the aspect which can be gone into during the trial. Considering the evidence collected by the prosecution, it can be said that there is a *prima-facie* case against the applicant. I am, therefore, not inclined to release the applicant on bail. Hence, the order :-

ORDER

- i) Bail Application is dismissed.
- ii) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT