

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1039 OF 2022

Sachin Rajendra Yewale

...Applicant

V/s.

The State of Maharashtra

...Respondent

Mr. Abhijit Kulkarni a/w Mr. Abhay Jadhwar instructed by D.D. & Abhijit Associates, for the Applicant.

Mr. V.B. Konde-Deshmukh, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 01.12.2022.

PC. :

This is an application under Section 439 of Code of Criminal Procedure for grant of bail.

2. The applicant came to be arrested in Crime No.185 of 2021 registered at the Barshi Police Station, for the offence punishable under Section 302 of the Indian Penal Code.

3. The deceased was the wife of the present applicant. According to the prosecution, the present applicant was suspecting the character of the deceased. It is alleged that the deceased was thus reluctant to cohabit with the present applicant. According to the prosecution, on 5th June 2021 the present applicant strangled the deceased and committed her murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the statement of witnesses are inconsistent. It is submitted that except those inconsistent statements, there is no other evidence to connect the accused with the alleged crime.

6. On the other hand, the learned APP for the respondent/State submits that the applicant himself came to the police station with the dead body of the deceased and told the police personnel that he had killed the deceased. It is submitted that at the time of alleged incident, the deceased was with the present applicant and there is no explanation as to how she died. It is submitted that considering the facts and circumstances of the case, the applicant may not be released on bail.

7. It appears from the statements of witnesses that the deceased was with the applicant at the time of alleged incident. The statements of police personnel cannot be ignored at this stage. Considering the nature of offence, I am not inclined to release the applicant on bail.

8. The Bail Application is rejected.

9. However, considering the fact that the applicant is in jail for more than one year, the trial Court shall endeavor to conclude the trial as early as possible and in any case, within a period of one year from the date of receipt of copy of this order.

[N.R.BORKAR, J.]