

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3852 OF 2021

Manoj Pandurang Raut

Age 39 years, Occ: Barber & Driver,

R/o, Fondshiras, Tal.Malshiras,

Dist.Solapur.

(at present lodged at Latur District

Prison,Latur)

... Applicant.

Versus

The State of Maharashtra

(at the instance of Natepute

Police Station, Tal.Malshiras, Dist.

Solapur, vide their C.R.No.212/2021 ... Respondent

...

Mr Rajaram Vaman Bansode, Advocate for the Applicant.

Mrs MM Deshmukh, APP for the Respondent-State.

...

CORAM : R. N. LADDHA, J.

DATE : 23 DECEMBER 2022.

P.C.:

Heard Mr R.V.Bansode, learned counsel appearing for the Applicant and Mrs M.M.Deshmukh, learned Additional Public Prosecutor appearing for the Respondent-State.

2. By this application, the Applicant is seeking bail in connection with C.R. No.212 of 2021 registered at Natepute Police Station, Malshiras, District-Solapur, against the Applicant for the offences punishable under Sections 302, 201, 202, read

with Section 34 of the Indian Penal Code.

3. The allegations against the Applicant are that he, along with the co-accused, committed murder of his wife and, to screen themselves from legal punishment, tried to destroy the evidence by attempting to burn the victim's dead body without informing police.

4. Mr R.V.Bansode, learned counsel appearing on behalf of the Applicant, submitted that the entire case rests upon the circumstantial evidence. It is submitted that the investigation is completed, and the charge sheet has been filed. The co-accused have been released on bail. It is submitted that there is a variance between the Inquest Panchnama and the Post Mortem Report. It is submitted that the Post Mortem Report shows that the death was caused due to shock, fracture of ribs etc. It is submitted that the dead body was on the funeral pyre, and therefore, the possibility of fracturing the ribs cannot be ruled out.

5. Mrs Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence is serious in nature. It is submitted that the statement of the father of the Applicant shows that the Applicant informed him that the deceased had committed suicide. It is submitted that the presence of the Applicant is evident from the material collected by the prosecution during the investigation. It is submitted that had the deceased committed suicide, why were they not informed to the police. It is submitted that the prima facie evidence shows the

anxiety on the part of the Applicant to perform the last rites of the deceased secretly.

6. This Court has perused the copy of the charge sheet filed along with the accompanying documents. It is seen from the Post Mortem Report that there were multiple injuries on the body of the deceased Pallavi, and her death was unnatural. All these injuries are shown to be antemortem. Therefore, the submission of the learned Counsel for the Applicant that the injuries might have been caused due to heavy wooden logs kept on the dead body cannot be accepted at this stage. The presence of the Applicant at the relevant time is evident from the material available on record. It further reveals from record that though her death was unnatural, the Applicant shows the anxiety to perform the last rites of the deceased secretly. Offence is serious in nature. Prima facie there is sufficient material to show the involvement of the Applicant in the crime.

7. Given the above, the Applicant cannot be granted bail. Accordingly, the bail application stands rejected. It is made clear that the observations made in this order shall not influence the trial Court in further proceedings.

[R. N. LADDHA, J.]