

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

CRIMINAL APPLICATION (BA) NO.1073 OF 2022

Akash S/o Damodar Thawakar .Vs. State of Maharashtra, through P.S.O., P.S.
Mohadi, Dist. Bhandara

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.G. Karmarkar, Advocate for the applicant.

Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/09/2022

Heard.

2. The applicant is seeking bail in Crime No.65 of 2022, dated 23.04.2022, registered with Police Station Mohadi, District: Bhandara, for the offences punishable under Sections 302 and 316 of the Indian Penal Code.

3. Shri Karmarkar, learned counsel for the applicant submits that there is no direct eye witness against the applicant to show his involvement in the alleged offence and he has been falsely implicated in the alleged offence. He further submits that, as the charge-sheet has been filed further custody of the applicant is not necessary.

4. On the other hand, Shri Chutke, learned APP has pointed out from the charge-sheet that, there is ample evidence collected by the Investigation Officer (IO) to show that the applicant has killed his wife, when she was

pregnant. Therefore, he submits that as the offence is very serious, this Court may not grant bail to the applicant.

5. I have perused the Charge-sheet and the application.

6. From the statements of witnesses, *prima facie*, it is evident that the applicant was suspecting the character of the deceased and he used to ill treat her. The postmortem report discloses neck compression and rigor mortis present all over the body. Furthermore, the applicant informed the father of the deceased that, the deceased had consumed poison whereas, during the investigation, C.A. report of the viscera was obtained, which does not show any poison.

7. Thus, considering the character of the evidence collected by the IO against the applicant coupled with the nature and seriousness of the offence, I am not inclined to grant bail to the applicant. Accordingly, I pass the following order:

The criminal application is **rejected**.

JUDGE