

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

BAIL APPLICATION NO.469 OF 2023

SAMBHAJI SHIVAJI NOTKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : MARCH 27, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant would argue that the deceased was living a estranged life. She was not living with the applicant since last four years. The applicant did not commit the alleged offence. She also read the witness of one of the paramour and the son of the applicant. The statement of the son of the applicant would show that he never saw his father/applicant beating the deceased. It has also been vehemently argued that the applicant did not commit the crime. There are no antecedents to his discredit. The investigation has been completed. Hence, he may be released on bail.

3. Per contra, the learned APP would argue that the dead body of the deceased was found in the house of the applicant. The weapons and the wire used in the crime have been recovered at his instance. The dead body was found in the house of the applicant; hence, he has to discharge the burden under Section 106 of the Indian Evidence Act. The offence is serious. Hence, he is not entitled to bail.

4. Though the applicant has come with a case that she was living a estranged life, the fact remains that the dead body was found in the house of the applicant. He has absolutely no explanation how the dead body was lying in his own house. Section 106 of the Indian Evidence Act has relevance with the facts of the case. The police have recovered the mobile handset of the deceased, a wire and weapons used in the crime. There are strong circumstances against the applicant. The offence is serious. Hence, he does not deserve bail.

5. For the above reasons, the application stands dismissed.

(S.G. MEHARE, J.)