

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

BAIL APPLICATION NO.1036 OF 2023

Sugriv Apparao Kamble ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. P.P. More, Advocate for the applicant.

Ms. V.N. Patil Jadhav, APP for the respondent/State.

...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 04, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant seeks bail in Crime No.644 of 2022 registered with Vivekanand Chowk Police Station, District Latur for the offence punishable under Sections, 302, 201 of the Indian Penal Code.

3. It is a case of murder out of suspicion having relationship between the deceased and the wife of the applicant. The deceased was the partner of the applicant in truck. The applicant had the suspicion over the behaviour of the deceased as he was talking to his wife and holding her hand when they were together. The applicant was every time cross checking their telephone calls. Whenever he would call his wife, her phone would be engaged. So he was calling

the accused, his phone would also be engaged. Hence, his suspicion was raising. On the day of the incident, he experienced the same thing and lastly, he killed the deceased and threw his dead body. When he carried the dead body covered with a bed sheet and thrown, his nephew was with him. The dead body was recovered after some days. He had concealed the knife and his shoes in the house of his sister. However, his sister advised him to surrender before the police. He went to the police station and narrated the incident. In pursuance of his narration, the police registered a crime and put the investigation into motion. The weapon used in the crime was recovered at his instance. However, the dead body was recovered after some days in decomposed condition.

4. Learned counsel for the applicant has vehemently argued that bonafide of the applicant should be considered. He had no intention to kill the deceased. The conduct of the deceased and his wife irritated him. Hence, he killed the deceased in the fit of anger. The applicant had no bad past. He is languishing in jail since long. He has tried to convince the Court that this is not the case of culpable homicide amounting to murder. He would also argue that the charge sheet is also filed and the trial may take its time. Hence, he may be granted bail.

5. Per contra, learned APP for the State would submit that the material witnesses are the wife, sister and her son. Considering

the cause of murder, the next target may be his wife. The wife is maintaining the children. The offence is serious. There is a great possibility of tampering with the prosecution witnesses or causing harm to the witnesses, who are his close relatives. Considering the statement of the applicant himself, it is not a murder out of sudden provocation but it is a cold blooded murder. Hence, he does not deserve bail.

6. Perused the charge sheet and considered the arguments advanced by the respective counsels. The FIR lodged at the narration of the applicant reveals that it was not the case that the applicant suddenly lost his temper and killed the deceased. However, he was watching his wife and the accused doing gestures, calling each other for a long time. His wife was also not with him and after some days, he killed the deceased and threw the dead body. That time, his nephew was with him. On his surrender and registering the FIR at his instance, the investigation was done and all the circumstantial evidence were recovered. The weapon used in the crime was also recovered at his instance. The dead body in a decomposed condition was recovered. The post-mortem report reveals that the deceased had stab injuries. Considering the way of committing the crime due to the suspicion over the illicit relations between his wife and deceased, it would be difficult at this juncture to believe the case of the applicant that it was a sudden provocation and the incident happened

in the fit of anger. Many times, the applicant observed the gestures between the deceased and his wife. As per his own statement before the police, the illicit relations of his wife with the deceased was the core cause for the murder of the deceased. In such circumstances, the possibility of causing harm to his wife and children cannot be ruled out. That apart, other witnesses are his close relatives. Hence, the possibility of tampering with the material witnesses cannot be ruled out.

7. When the Court expressed disinclination to grant bail, learned counsel for the applicant submitted that a stringent condition directing the applicant to stay away from the place may be imposed. The Court having regard to the facts of the case, declined to grant bail. Hence, there is no question to impose any such condition.

8. After having gone through the facts and material collected against the applicant, and for the reasons mentioned above, the application stands dismissed.

(S.G. MEHARE, J.)