



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

BAIL APPLICATION NO.1740 OF 2023

ANIL MANSING BHIL
VS
THE STATE OF MAHARASHTRA

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Mr. D. D. Choudhari, Advocate for the Applicant.
Mr. A. S. Shinde, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.3/2018 registered with Pachora Police Station, Dist. Jalgaon for the offences punishable under Section 302 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by one Baban Devram Bhil. In nutshell it is alleged that daughter of the informant has been married to the applicant-Anil Mansing Bhil. He was harassing the deceased on one and other reason and also assaulting her. Therefore, the daughter of the informant was brought back to maternal home. After some days, the applicant accused came to the home of the informant and stayed with him. During this period, he was behaving well with the informant's daughter. On 13.01.2018 the daughter of the informant and applicant went to the field. They carried sickles from home. At about 01.00 pm the informant came to know from one Sagar Damu Patil that the applicant has consumed poison and he is laying in the field of Ashok Mahadu Patil. The informant rushed to the spot and took the applicant in

bullock cart. At that time the applicant was saying that he committed mistake. While they were on the way towards Jalgaon, the informant received telephonic message from Vijay Pandit Thakre that daughter's dead body is laying in the field of Shriram Ananda Chaudhari. The informant rushed to the spot, took his daughter to the hospital at Pachora where she was declared dead. The postmortem report suggests that she had injuries of sharp weapon. It is accordingly alleged that the applicant is a culprit. The applicant was arrested in pursuance of the aforesaid crime. His prayer for grant of bail has been rejected by the Court of Sessions vide order dated 11.07.2023. Hence, this Application.

3. Mr. Choudhari, learned Advocate appearing for the applicant would submit that there is no direct evidence to connect the applicant with the alleged offence. The deceased was found dead in the field of Shriram Ananda Chaudhari. The first informant narrated the incident based on hearsay information. The applicant was released on temporary bail during the Covid-19. He has not misused the liberty. The trial is at the nascent stage. Further detention of the applicant would not be necessary. Hence, he urges to release the applicant on bail.

4. The learned APP strongly opposes the prayer for grant of bail. He points out that there is clinching evidence that would depict the complicity of the applicant in commission of offence.

5. Having considered submissions advanced, apparently the FIR states about the dispute between the applicant and his wife-Rekha. The statement of the mother of the applicant also supports the fact that the applicant was harassing his wife-Rekha as he was doubting her character. On the day of incident i.e. on

13.01.2018 the applicant left the home alongwith his wife-Rekha. Both of them were carrying sickles in their hands. Thereafter, the applicant consumed poison and he was uttering to have committed mistake. On same day dead body of the deceased Rekha found laying in the field of Shriram Ananda Choudhari. During the course of investigation, the blood stained clothes as well as blood stained sickle has been recovered. The statement of three witnesses namely Subhash Baban Bhil, Indubai Mansing Bhil and Housabai Baban Bhil suggest that the applicant was lastly seen in the company of the deceased Rekha. The postmortem report depicts that the deceased Rekha suffered multiple injuries on her face attributable to the sharp weapon. If the aforesaid circumstances are taken together, in light of strong motive on part of applicant, the chain of clinching circumstances is made out to pin point applicant's guilt, which is *prima facie* sufficient to bring home guilt against the applicant. In that view of the matter, no case is made out for grant of bail. The Bail Application accordingly stands rejected. Considering the fact that the trial is pending since 2018, the Sessions Court shall make endeavour to expeditiously conclude the trial.

(S. G. CHAPALGAONKAR)
JUDGE