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

BAIL APPLICATION NO.356 OF 2023

SAMEER PRAKASH PAWAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Mohit Dalvi i/b. Adv. Rakesh Bhatkar for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 5, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Section 302 of the Indian Penal Code (hereafter 'IPC' for short) registered on 27.04.2022 vide C.R. No.30 of 2022 with Jaigad Police Station.
- 3.** On 23.04.2022 the victim was found dead. It was noticed that her body was found hanging on the branch of a tree.
- 4.** Learned counsel for the applicant submitted that the entire case rests on circumstantial evidence. It is further

submitted that there is no witness who states anything about the applicant having been last seen in the company of the deceased. It is submitted that the applicant is arrested and incarcerated only on the basis of the suspicion. It is further submitted that the applicant is now in custody for more than one year and five months and therefore can be enlarged on bail.

5. I have heard learned APP and perused the charge-sheet. The materials on record indicate that the applicant was previously in a love relationship with the victim. Thereafter, as the applicant was harassing her and at times assaulting the victim, she was in a relationship with another person which was not liked by the applicant. Some time prior to the incident, the applicant had assaulted the victim and tried to strangle her with a piece of cloth (odhani). There are witnesses who state that that applicant was present near the spot at the time of incident. Learned counsel for the applicant tried to submit that this is a case of hanging and not a case of strangulation. I have perused the order passed by the trial Court. The position of the dead

body, though it is seems to be hanging, the deceased was found on her knees with the height of tree almost the same as that of the victim. Prima facie, there are materials against the applicant. Though the case is based on circumstantial evidence, I am not inclined to enlarge the applicant on bail. It is made clear that the observations are prima facie in nature. The trial Court shall not be influenced by these observations.

6. The application is disposed of.

(M. S. KARNIK, J.)