

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

BAIL APPLICATION NO. 817 OF 2022

Rahul Ramchandra Masugade

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr.Bhalchandra Shinde for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mr. Amol Deshmukh, P.C. from Natepute Police Stn. Solapur.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 28th MARCH, 2023.

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to amend the prayer clause, as to incorporate the Sessions Case number. Leave granted. Amendment to be carried out forthwith.

2. This is an application under Section 439 Cr.P.C. filed by the aforesaid Applicant, who is facing trial in Sessions Case No. 3 of 2022 pending before the District & Sessions Court, Malshiras. The said case arises from C.R. No. 323 of 2021 registered with Natepute Police Station, for offences under Section 302, 307 of the Indian Penal Code and Section 4, 25 of the Arms Act.

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3. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by Suraj Sunil Aadke, brother of the deceased. He has stated that on 17.9.2021 at about 5.00 p.m. when he returned home, he saw his mother in injured condition, and his sister was unconscious, lying in a pool of blood. His mother informed him that the Applicant herein had assaulted them by means of a sword. He took his mother and sister to the hospital for treatment. The doctor at the primary health centre, upon examination, referred them to the hospital at Solapur for further treatment.

5. The records reveal that Pooja Masugade, wife of the Applicant, expired on 18th September, 2021. The post-mortem report reveals that she had suffered over 20 injuries in the nature of multiple incised wounds. The doctor has opined that the death of deceased- Pooja was due to head injury.

6. The statement of Seema Aadte, mother of the deceased, who is also an injured witness, prima facie reveals that on 17th September, 2021 at about 3.30 p.m. the Applicant herein, who is her son-in-law, abused the deceased and thereafter removed a sword which he had concealed in his shirt, and inflicted several blows on the deceased. When she intervened, the Applicant also inflicted a blow of sword on her neck. She has stated that her daughter expired as a result of the injuries inflicted by the Applicant. The medical record prima facie indicates that this witness had also sustained injuries.

7. The statements of the injured witness, as well as of the other eye witnesses, prima facie proves that the Applicant had committed brutal murder of his wife. The nature of offence committed by the Applicant does not justify exercise of discretion under Section 439 Cr.P.C. Hence, the Application is dismissed.

(ANUJA PRABHUDESSAI, J.)