

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1087 OF 2022**

Rupesh Shamrao MoreApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Kuleep S. Patil i/b Saily Dhury Advocate for the Applicant.
Mr. Y. Y. Dabke , APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, the Applicant is seeking bail in Crime No.306 of 2021 registered with Tulinj Police Station, Palghar, for the offence punishable under Sections 302 of the Indian Penal Code (“IPC”, for short).
2. It is prosecution’s case that, that Applicant had called complainant and informed him that, he had killed his wife and informed that, he was leaving for Delhi. The complainant went to house of Applicant. The door of house of Applicant was locked from

outside, hence, the complainant opened the sliding window of the house and saw inside the room. He saw that the wife of Applicant was lying on bed in pool of blood and one broken iron hammer was lying there.

3. It is contention of learned counsel for the Applicant that, Applicant has been falsely implicated in the present case. Applicant had no reason to commit the murder of his wife. Applicant was cohabiting with the deceased since long. No previous complaint was filed by deceased against the Applicant. Extraordinary confession made by Applicant is not legally admissible. Applicant had no motive to commit the murder of deceased. The Applicant is behind bar for more than two years. Hence, requested to allow the Application.

4. It is contention of learned APP that deceased was wife of the Applicant. Applicant himself had informed the complainant about killing of the deceased. When complainant went to house of Applicant, it was locked from outside. Deceased was staying with the Applicant. It shows the involvement of the Applicant in the crime. Police has seized blood stained clothes of Applicant at his instance. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-

sheet.

6. Admittedly FIR has been registered on the information given by Applicant to the complainant. As per information given by Applicant, the complainant had gone to the house of the Applicant and there he saw was dead body of the deceased. The deceased was wife of the Applicant. The door of the house of the Applicant was locked from outside, whereas, dead body of the deceased was lying inside. The Applicant was not present in the house. Considering above facts, there is prima facie case is against Applicant.

7. In view of above, the Application is rejected.

(SHIVKUMAR DIGE, J.)