

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

CRIMINAL BAIL APPLICATION NO. 1431 OF 2022

Samadhan Shrimant Lendve	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr.Niranjan Mundargi a/w Omneel Jadhav i/by Mr.Samadhan Kashid
Advocate for the Applicant.

Mr. Y. Y. Dabke, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th OCTOBER, 2023

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P.C.:

1. By this application, the applicant seeking bail in Crime No. 458 of 2021 registered with Rabale Police Station, Thane for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. It is prosecution's case that on 21st October 2021, the complainant has registered FIR in respect of suicide committed by his wife and police registered accidental death on his report. Thereafter, the first informant came to know that his wife has not committed suicide but it was homicidal death and applicant had committed the murder of his wife by pressing her neck with *saree* and he created a scene to show that it was suicide. It is alleged that the applicant was

last seen with deceased Shital.

3. It is the contention of the applicant that the applicant has been falsely implicated in this case. The scene of incident spot would show that blade of the fan was bended and body of deceased was hanging to the said fan. There was suicide note written by the deceased Shital stating that she is committing suicide. There is a signature of deceased on said suicide note. On that basis, accidental death report was filed but thereafter on allegations of illicit relation with Shital, the applicant has been arrested in connection of this crime. The prosecution case is based on circumstantial evidence. Except last seen, no incriminating material produced on record to show the involvement of the applicant in this crime. The applicant is behind bar almost two years. Hence, requested to allow the application.

4. It is the contention of learned APP that at the time of incident, the applicant was last seen with the deceased. The applicant had committed murder of Shital and to show it was suicide. He had created the scene of suicide. In postmortem report it revealed that it was not suicide but it was homicidal death. In investigation it was found that the first informant had taken money from applicant and on that basis there was dispute between them. There is prima facie case against the applicant. CCTV footage show's the presence of the

applicant at the incident spot. Hence, requested to reject the application.

5. I have heard both learned Counsels, perused the FIR and charge-sheet.

6. Initially the report of suicide of deceased was filed. Thereafter in postmortem it was revealed that it was asphyxia death. On that basis offence was registered. In investigation, the applicant is arrested. It is alleged that the applicant was last seen with the deceased. It appears from record that deceased had written suicide note along with her signature. Whether the death of deceased was suicidal or homicidal will be proved by way of evidence. The applicant is behind the bar almost two years. Investigation is completed and charge-sheet has been filed. It may take time to conclude trial.

7. Considering the above facts, further detention of the applicant is not necessary. Hence, I pass the following order:-

ORDER

- (i) Applicant be enlarged on bail in Crime No. 458 of 2021 registered with Rabale Police Station, Thane, on executing PR bond in the sum of Rs. 30,000/- with one or two sureties in the like amount;

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3:00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this order.

[SHIVKUMAR DIGE, J.]