

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1642 OF 2022

Hemant A. Mohite
V/s.
The State of Maharashtra

...Applicant
...Respondent.

Mr. Kuldeep Patil a/w. Mr. Nikhil Hire, Ms Neha Maree and
Mr. Soham Powar i/b Ms Saili Dhuru for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 24.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.1063 of 2021 registered at Wakad Police Station, Pimpri-Chinchwad for the offence punishable under Section 302 of the Indian Penal Code.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The allegations against the present applicant are of murder. According to the prosecution on the date of incident, which took place on 16 December 2021, the present applicant strangled the deceased and committed her murder.

5. The learned counsel for the applicant submits that the deceased and the present applicant had love affair and wanted to marry, however, the parents and relatives of deceased were against it. It is further submitted that they thus eloped and got married. It is submitted that no motive is attributed to the applicant for the alleged crime. It is submitted that considering the overall facts and circumstances, the applicant may be released on bail.

6. On the other hand, the learned APP for the respondent / State submits that on the date of alleged incident the applicant and the deceased were staying together. It is submitted that according to postmortem report the cause of death is constriction around neck, which shows that the deceased was strangled. It is submitted that the defense of the applicant that the deceased had committed suicide therefore, cannot be accepted. It is thus submitted that the application be rejected.

7. I have perused spot panchanama and the P.M.notes. *Prima facie*, the death appears to be homicidal. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on bail. Hence, the Application is rejected.

[N.R.BORKAR, J.]