

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

BAIL APPLICATION NO. 3981 OF 2021

Majorsing Ashokkumar Chouhan @

Dhakkan

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. P.A. Pol a/w. Mr. Ranjit S. Hatkar

i/b. Pol Legal Juris for the Applicant.

Mr. S.V. Gavand, APP for the State.

Mr. S.D. Patil, PSI, Shivaji Nagar Police Station, present.

PREETI
HEERO
JAYANI

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th JULY, 2023.

Digitally signed by
PREETI HEERO
JAYANI
Date: 2023.07.19
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P.C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.110/2018 pending on the file of learned Sessions Judge, Greater Mumbai. The said case arises from C.R.No.365/2017 registered with Shivaji Nagar Police Station, Mumbai for offences punishable under sections 149, 176, 302, 392, 411 r/w. 34 of the Indian Penal Code.

2. 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 counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR dated 23/09/2017 lodged by Sudarshan Gupta, the husband of the deceased. The facts narrated in the FIR prima facie reveal that on 23/09/2017, at about 17:45 p.m., one of the employees of the first informant by name Bablu informed him that his wife – Bhanumati had not opened the shutter of the shop and that when he opened the shutter and entered the shop, he found her lying in a pool of blood. The first informant rushed to the place of the incident and found his wife in a pool of blood. She had sustained several injuries. He also noticed that the gold ornaments and other valuables, details of which are given in the FIR, were missing. The first informant suspected that the co-accused Ashok was involved in commission of murder of his wife. Hence, FIR came to be registered against Ashok for the offences as stated above. The body was sent for post mortem. As per the post mortem report, the cause of death is stated to be hemorrhagic shock due to cut throat injury.

4. The statements of two independent witnesses viz. Santosh Gupte and Pannalal Gupte prima facie reveal that on 23/09/2017, at about 04:15 p.m. in the afternoon, they had seen the Applicant herein and

the co-accused Ashok entering the said shop. Based on this information, the Applicant came to be arrested. The records reveal that while the Applicant was in custody, he has made disclosure statement pursuant to which the gold ornaments of the deceased as well as weapon of offence was recovered. The first informant has identified the said gold ornaments as that of his deceased wife.

5. The material on record prima facie shows the involvement of the Applicant in commission of the crime which is of serious nature. Considering the gravity of the offence, I am not inclined to exercise discretion under section 439 of Cr.P.C. Hence, the Application is dismissed.

6. Considering the fact that the Applicant is in custody since 2017, the learned Sessions Judge, Greater Mumbai is requested to expedite the trial and to conclude it in any event within a period of one year from today.

(SMT. ANUJA PRABHUDESSAI, J.)