

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2935 OF 2023

Ramshilochan Shiromani Pal

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Ms Sana Raees Khan a/w. Mr. Aditya Parmar and Mr. Aniket Pardeshi for the Applicant.

Ms M.M. Deshmukh, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
RESERVED ON : 25.10.2023
PRONOUNCED : 12.12.2023.
(IN CHAMBER)

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.13 of 2021 registered at Matheran Police Station, Raigad for the offences punishable under Sections 302 and 201 of the Indian Penal Code.
3. The deceased was the wife of present applicant. On 12 December 2021, beheaded body of the deceased was found in the hotel Sai Sadan at Matheran.
4. According to the prosecution, the applicant was suspecting the character of the deceased. It is alleged that the applicant on the pretext of going for pleasure trip took the deceased to Matheran and there committed her murder in the intervening night of 11 December 2021 and 12 December

2021. It is alleged that with a view to conceal the identity of the deceased, she was beheaded and with a view to cause disappearance of the evidence, her head was thrown in the valley.

5. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

6. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for about two and half years and inspite of order of this Court dated 5 December 2022 in Bail Application No. 3175 of 2022 to conclude the trial as early as possible, the trial is still at the stage of charge. It is submitted that the applicant may therefore, be released on bail.

7. On the other hand, learned APP submits that the applicant is involved in serious offence of murder. It is submitted that there is a strong circumstantial evidence against the applicant. It is submitted that there is recovery of severed head of the deceased at the instance of present applicant. The learned APP submits that considering the nature of offence, the applicant may not be released on bail.

8. I have perused the charge-sheet. Though the case is based on circumstantial evidence, however, there are multiple incriminating circumstances to connect the applicant with the alleged crime viz. CCTV footage, T.I. Parade and

recovery of severed head at the instance of the applicant. Considering the nature of offence, I am not inclined to release the applicant on bail. The Application is thus rejected.

[N.R.BORKAR, J.]