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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 BAIL APPLICATION NO. 246 OF 2024

MAHESH BHASKARRAO SALKE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. R. S. Shinde, Advocate h/f Mr. Vijay Latange, Advocate for
the applicant

Mr. A. S. Shinde, APP for the respondents/State

CORAM : S. G. MEHARE, JJ.

DATE : 08th MARCH, 2024

P. C.

1. Heard the learned counsel for the applicant and
learned APP for the respondents/State.

2. The applicant is seeking bail in Crime No. 648/2022
registered with Parner Police Station, Dist. Ahmednagar for the
offences punishable under Sections 302, 323, 498-A, 504, 506 of
the Indian Penal Code (for short 'the IPC').

3. The applicant is the husband of the deceased. Medical Officer has opined that the deceased died of strangulation.

4. Learned counsel for the applicant vehemently argued that false allegations have been leveled against the applicant that he killed his wife, as she had transferred money to her sister's account which they had received after selling the sugarcane. The false allegations were leveled that sister of the deceased had lent the loan. To repay her loan, deceased had deposited the amount of loan with Ganesh and he directly transferred that amount in the account of her sister. However, Ganesh did not support the story. The applicant has no role to play in the alleged incident. His mere presence near the dead body is not sufficient to doubt him. Entire investigation has been completed. Marriage is old more than 11 years. Hence, presumption would not apply. For years of marriage, there were no complaints of ill-treatment against the applicant. He, being, a husband has arraigned as accused. He is a permanent resident of

village. Therefore, there are no chances of his abscondance. He is ready to abide by the conditions, if imposed by this court, while granting him bail. He deserves bail.

5. Prosecution case is that the applicant was ill-treating the deceased. On the day of incident, he was drunk. Incident happened in the afternoon. The applicant found sitting beside the dead body of his wife in his house. Police have seized the wire which was usually used for strangulation. There are eyewitnesses to the incident. Offence is serious. Hence, bail may not be granted.

6. The facts in the case reveal that uncle of the applicant saw the accused sitting behind the dead body, in his house. The applicant and the deceased were residing under one roof. The applicant is agriculturist. Except the applicant, nobody was there in the house. Death of the deceased was unnatural, i.e. by strangulation. Medical evidence supports the prosecution. At the time of death, deceased was in the custody of the

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applicant. Prima facie there no dispute on his presence before the offence with the deceased. That apart considering the material on record as a whole, strong prima facie material is available against the applicant.

7. For the above reasons, the application stand dismissed.

[S. G. MEHARE, J.]

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