



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 553 OF 2024

1. Sushil @ Muslya Jairam Pawara
Age 31 years, Occu. Centering Work,
R/o. Amrish Nagar, Holnanthe,
Tq. Shripur, Dist. Dhule
2. Jitu @ Tungarya Lakdya Pawara,
Age 22 years, Occu. Labour,
R/o. As above .. Applicants

Versus

The State of Maharashtra .. Respondent

Mr. Vikrant P. Raje, Advocate for Applicants;
Ms. D. S. Jape, APP for Respondent

CORAM : S. G. MEHARE, J.

DATE : 01-08-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.
2. The applicants seek bail in C.R.No.30 of 2023 registered with Thalner City Police Station, District Dhule, for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.
3. The prosecution has a case that the wife of the deceased with other co-accused were captured in the C.C.T.V. footage in one

hotel soon before disappearance of the deceased. Around four days after his missing, his dead body was found decomposed. When the investigation was started, it was transpired that the wife of the deceased and the applicants have murdered the deceased by strangulation. The post conduct of the applicants is one of the strong circumstances against the applicants that they were apprehended with the wife of the deceased at the State boundary adjoining to the State of Gujrat. A scarf used for strangulating has been recovered.

4. The learned counsel for the applicants submits that the wife of the deceased has been granted bail. The evidence collected by the Investigating Officer, raises doubts about bus ticket recovered from the pocket of the deceased dated 26.02.2023. Mere presence of the applicants with the deceased in the hotel is not sufficient to prove that the applicants are involved in the crime. The applicants are languishing in jail for one year. The chargesheet has been filed. Nothing is to be recovered from the applicants. Hence, they may be granted bail.

5. The learned APP has replied that the wife of the deceased has been granted bail as there was nobody in her family to look after the children and she being a woman. The wife of the deceased has extra-marital relations with one of the co-accused. Hence, on conspiracy, they eliminated her husband.

6. The prosecution has strong evidence of the C.C.T.V. footage wherein the applicants, the deceased and his wife have been captured on 19.02.2023. Since then the deceased disappeared. Surprisingly, the wife of the deceased did not lodge a missing report of her husband till his dead body was recovered on 22.02.2023. There is another circumstance against the applicants that all the accused i.e. applicants and the wife of the deceased were apprehended at the boundary of the State of Gujrat. In normal course, the wife of the deceased husband would not be in the company of the applicants. Such a conduct of the applicants connects them with the allegation levelled against them. How the bus ticket dated 26.02.2023 was found in the pocket when the dead body may be a circumstance to be considered during the trial.

7. Reading the material, particularly, the place of the incident and the conduct of the applicants, the Court is of the view that the applicants do not deserve bail.

8. Hence, the bail application stands dismissed.

(S. G. MEHARE)
JUDGE