



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

BAIL APPLICATION NO. 741 OF 2024

Bhimrao s/o. Govindrao Gaikwad,
Age 43 years, Occu. Service,
R/o. Dapka Raja, Tq. Mukhed,
District Nanded

.. Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Bhada Police Station,
Tq. Bhada, District Latur

.. Respondent

Mr. P. P. More, Advocate for Applicant;
Ms. D. S. Jape, A.P.P. for Respondent

CORAM : S. G. MEHARE, J.

DATE : 21-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.375 of 2023 registered with Mukhed Police Station, District Nanded, for the offence punishable under Section 302 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the relation of the applicant with the deceased wife were cordial. However, since last few years, she was not keeping well and behaving aggressively. She was also not taking food. The applicant does

not know what happened on the day of the incident. The opinion of the Chemical Analyzer is also not certain to believe that it was the applicant had strangled the deceased manually. He also referred to the statements of the parents of the deceased. They have categorically stated that they had no suspicion over the applicant. He has vehemently argued that the applicant has no intention to kill her. Only on the basis of CA report, the applicant may not be put behind bar.

4. Learned A.P.P. for the respondent opposed the applicant and submits that heavy burden was on the applicant to explain the incident as provided under Section 106 of the Evidence Act. The applicant himself had lodged report to the police, stating that he and the deceased were in the room found her dead. On his report, an accidental case was registered but the truth was unearthed from the C.A. report which found smothering with manual strangulation. There are no other circumstances to believe that the person other than the accused was present in the room. It is not case of murder by anybody. The statements of the parents that they have no doubt against the applicant are immaterial. The strong circumstantial evidence with postmortem report showing the evidence of smothering with manual strangulation is available. It is a serious case. Hence, bail may not be granted.

5. Perused the papers.

6. In order to avoid repetition, the facts, as mentioned above, are not reproduced. However, there is a substance in the arguments of the learned A.P.P. that the deceased was lastly in the custody of the accused. There are no circumstances to believe that murder has been caused by the other person. The strong circumstantial evidence is available against him. The offence is serious. In the circumstances, the statements of the parents of the deceased and her behaviour are immaterial at this juncture.

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

(S. G. MEHARE)
JUDGE

rrd