

Shailaja

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

CRIMINAL BAIL APPLICATION NO.1882 OF 2022

Ambuj Mahendra Tiwari	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

.....
Mr. Vinod Kashid, for Applicant.

Ms. Anamika Malhotra, A.P.P, for Respondent – State.
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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 5th JANUARY, 2024.

P.C.

1. After having heard learned Counsel for the applicant extensively as well as the learned A.P.P, when this Court expressed it's disinclination to grant bail to the applicant, the learned Counsel seeks to withdraw the application with a prayer to direct the trial Court to expedite the case.

2. In short, the applicant, who is the husband of the deceased is alleged to have committed her murder along with his friend- second accused, who has already been enlarged on bail. Deceased Neelam –

wife of the applicant and the applicant were found missing and, therefore, on 23rd July, 2020, father of the applicant lodged a missing report with *Rabale* Police Station.

3. During interrogation and investigation, it revealed that the applicant suspected fidelity of his deceased wife and, therefore, in furtherance of a common intention with the second accused, the deceased was murdered at the house of the second accused by the applicant by strangulating the deceased with her *odhani*. Not only that, the applicant and the second accused, in order to destroy the evidence, carried the dead body of the deceased in a tempo of the second accused in a barrel and had thrown it in an area near *Khopoli*.

4. The crucial material, though circumstantial, is in the form of statements of friend of the deceased – Shital with whom she accompanied and was last seen with her husband-applicant. The second crucial material tendered by the prosecution is in the form of statement of a Rickshaw Driver – Harishchandra Chavan in whose rickshaw deceased accompanied her friend Shital who was followed by the applicant on his bike and had taken away the

deceased from his Rickshaw. Third material aspect is the memorandum statement recorded by the Investigating Officer under section 27 of the Indian Evidence Act and pursuant to which, the applicant had discovered the dead body of the deceased wife from the area where it was thrown.

5. The Counsel has sought permission to withdraw the application, permission is granted.

6. The trial Court is directed to expedite the trial of the case as expeditiously as possible and in any case, try to conclude the same within a period of one year from the date of receipt of this order.

7. In case, trial is not concluded within one year, liberty to the applicant to pray for his release on bail.

8. Application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]