

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2182 OF 2024**

Jitendra @ Soni Ravindra Sapkale ... Applicant
vs.
The State of Maharashtra ... Respondent

Ms. Anima Mishra a/w. Mr. Anuj Singh, i/b. AVPA Juritex & Co. for applicant.

Ms. Rutuja Ambekar, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 13th JUNE, 2024

P.C. :

- . Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in the context of Cr. No. I-698 of 2018 dated 09.12.2018 registered at Manpada, Thane City police station against the applicant for offences under Sections 302 and 201 of the Indian Penal Code, 1860.
3. The allegation against the applicant is that he caused death of the deceased by smashing her head with a gas cylinder in the house in which the applicant was allegedly residing with the deceased. According to the prosecution, the deceased had left her house and she had started living with the applicant accused. Initially, the applicant had brought the deceased to his house, where he was living with his wife and children. There were quarrels between them and it is stated that the applicant took another premises on rent and shifted the deceased and this is the place where the incident is alleged to have taken place.
4. The trial is presently in progress and two witnesses have been examined. The learned APP, on instructions, submits that eleven more witnesses are proposed to be examined.

5. The learned counsel for the applicant submits that the present case is a case of circumstantial evidence and there are no eye witnesses. It is further submitted that the applicant is behind bars since the date of his arrest i.e. 10.12.2018. Considering the length of time that the accused is behind bars, it is submitted that this Court may consider releasing the accused on bail, apart from the fact that in the absence of any eye witness, the prosecution case is not sustainable.

6. The learned APP invited attention of this Court to the statements made by the witnesses, including the person in whose house the applicant had initially brought the deceased. It is submitted that such material clearly indicates the aggressive and quarrelsome nature of the applicant. Attention of this Court is further invited to the mobile transcript, wherein the applicant is in conversation with his cousin. In this conversation, the applicant himself described the manner in which he committed the act. He also took photographs and video of the dead body and communicated the same to another cousin.

7. Although the present case is indeed a case of circumstantial evidence, it cannot inure to the benefit of the applicant to claim that the prosecution case cannot be sustained. The applicant has failed to make out a *prima facie* case in his favour. Apart from this, the trial is very much in progress with two witnesses having been examined. Considering the fact that only eleven more witnesses are to be examined, this Court expects the trial to be completed expeditiously.

8. In view of the above, the application is dismissed. The trial court is directed to make an endeavour to complete the trial as early as possible.

(MANISH PITALE, J)