

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

BAIL APPLICATION NO. 2253 OF 2024

Sandeep Vishwanath Sharma	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Bhagyesh R. Patil a/w Maruti S. Sarkar for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. B. R. Darade, PSI, Vitthalwadi Police Station.

CORAM: MANISH PITALE, J.
DATE : 13th DECEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant was arrested on 22nd January 2019 in connection with FIR No. I-420 of 2017 dated 20th December 2017 registered at Vithalwadi Police Station, Dist. Thane. The applicant is facing prosecution under Sections 302 of the Indian Penal Code, 1860 (IPC) for the murder of his own wife.

3. The FIR was registered at the behest of a friend of the deceased, who also happened to be an eye-witness to the incident. The allegation is that the applicant assaulted his wife by means of a screwdriver on her head, which eventually led to her death.

4. The learned counsel for the applicant submits that a perusal

of the documents on record would show that there is discrepancy between the statement of the informant, leading to registration of the FIR, and her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.). It is submitted that there is substantial improvement in the statement recorded under Section 164 of the Cr.P.C.

5. It is submitted that the medical documents on record and the postmortem report do not support the allegations levelled against the applicant as to the manner in which the victim suffered the injury.

6. The learned APP, on the other hand, relied upon the documents filed along with the charge-sheet, including the postmortem report, to submit that the version of the eye-witness i.e. the informant supported by the material on record and that the prosecution has a very strong *prima facie* case on merits.

7. Apart from the merits of the matter, it is submitted on behalf of the applicant that he has suffered incarceration for more than 5 years and 11 months and since there is no progress in the trial, this Court may consider enlarging the applicant on bail.

8. Having perused the documents on record, particularly the statement of the informant, leading to registration of the FIR, as also her statement recorded under Section 164 of the Cr.P.C., coupled with the postmortem report, this Court finds that there is

a *prima facie* case made out against the applicant. Reliance placed on the initial injury certificate can be of no consequence at this stage, for the reason that the postmortem report clearly records the nature of injuries suffered on the head of the victim, which correlate with the nature of attack described by the informant/eye-witness. Hence, no case is made out on merits.

9. But, the record indeed shows that the applicant has suffered substantial period of incarceration. The charge was framed as far back as on 30th December 2021, but witnesses are yet to be examined. The charge-sheet shows that a list of 30 witnesses is submitted, although in practical terms fewer witnesses would be examined and therefore, in this case, appropriate directions can be issued to the concerned trial Court.

10. In view of the above, the application is dismissed.

11. However, the trial Court is directed to expedite the trial and complete the same within one year from the date on which the copy of this order is produced before the said Court.

12. If the trial is not completed within the said period of time and the delay is not attributable to the applicant, liberty is reserved for the applicant to renew his prayer for bail.

MANISH PITALE, J.