

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2422 OF 2024

Ronitraj Laxmikant Mandal ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. B. J. Shaikh for Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Mr. Manish Waghmare, PSI, Ambernath Police Station.

CORAM : MANISH PITALE, J.
DATE : JULY 16, 2024

P.C. :

. Heard Mr. Shaikh, learned counsel for the applicant and Mr.Khan, learned APP for the respondent-State.

2. The applicant before this Court was arrested on 28.05.2023 on the allegation of having murdered his own wife. Offence was registered under Section 302 of the Indian Penal Code, 1860 as per FIR No.0312 of 2023 dated 28.05.2023 at Ambernath Police Station, District - Thane. The applicant has remained behind bars since then.

3. The investigation is completed and charge-sheet has been filed.

4. The informant, in the present case, is the neighbour of the applicant, who submitted that on the date of the incident at about 5:30 p.m., the applicant came to the informant and told him that his wife was not getting up. When the informant went to the house of the applicant, the victim i.e. the wife of the applicant was found lying in pool of blood. The police was informed, which led to the arrest of the applicant.

5. The learned counsel for the applicant submits that there is no

eyewitness to the incident. The applicant has been arrested merely on suspicion. There is nothing to show that the applicant was with the deceased at the time of the incident. It is submitted that even the recovery of the wooden stick is not believable and there is nothing to indicate that such a weapon was used to assault the victim.

6. On the other hand, the learned APP submits that the victim herself had caused registration of a non-cognizable offence against the applicant i.e. her husband on 26.08.2020. It was noted in the said report that the applicant used to quarrel and assault his wife i.e. the victim on suspecting her character. Reliance was also placed on statement of the sister of the victim recorded during the course of investigation.

7. This Court is inclined to dismiss the present application for the following reasons:-

- a. The dead body of the wife of the applicant was found in the matrimonial house where the two were living;
- b. Her body was found in a pool of blood. The applicant himself went to his neighbour i.e. the informant and claimed that his wife was not getting up;
- c. Recovery of the weapon of assault i.e. wooden stick is at the behest of the applicant;
- d. Non-cognizable offence report dated 26.08.2020 recorded at the behest of the victim indicates the propensity of the applicant of inflicting violence on his wife i.e. the victim;
- e. The statement of the sister of the victim recorded during the course of investigation shows that the applicant used to harass the victim on the ground that she was unable to bear a child;
- f. In such a case of circumstantial evidence, the

aforementioned factors do indicate *prima facie* case against the applicant and it cannot be said that he has been apprehended only on suspicion.

8. In view of the above, the application is dismissed. However, the concerned trial Court is directed to frame charges within eight weeks from today and to complete the trial as expeditiously as possible.

(MANISH PITALE, J.)

Minal Parab