

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

BAIL APPLICATION NO. 2874 OF 2024

Bhajansingh Sardarsingh Jadhav ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Sandeep Mishra i/by Vijay Tiwari for the Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 31st JULY 2024**

P.C. :

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

2. The applicant has approached this Court seeking bail, as he was arrested on 19th July 2020 in connection with FIR, registered on the same date, bearing No.0365 of 2020 at Narpoli Police Station, Dist. Thane. The applicant is facing prosecution for offences under Sections 302 and 201 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel for the applicant submits that even if the material that has come on record, along with the charge-sheet, is to be taken into consideration, in the present case, it can be said that due to sudden provocation and incident of scuffle between the applicant and the victim i.e. his wife, the victim died. It is

submitted that in such circumstances, at worst, it could be said to be a case of an offence under Section 299 of the IPC. It is further submitted that the applicant has remained behind bars for four years and this Court may take into consideration the aforesaid factor for releasing the applicant on bail.

4. On the other hand, the learned APP invited attention of this Court to the statements of witnesses, as well as the contents of the postmortem report to contend that the victim suffered violent blows and considering the number and nature of injuries, as also the cause of death, no case is made out on merits. As regards the progress of trial, it is submitted that this Court may issue appropriate directions for the trial to be completed within reasonable period of time.

5. This Court has perused the statement of the informant, who is a Police Inspector, which led to registration of the FIR. Statements of the witnesses, including a friend of the applicant, as also relatives of the victim, are also perused. The statement of the witnesses and the statement of the informant, which led to registration of the FIR, all point towards the involvement of only the applicant as regards the injuries suffered by the victim.

6. The statement of witness Teja Rama Chauhan, a relative of the victim brings out the background of the matrimonial disputes between the applicant and the deceased wife. There is reference to the tendency of the applicant to assault the victim i.e. his wife

after drinking alcohol on earlier occasions also. The statement of the friend of the applicant i.e. Charansingh Rathod, indicates that a day prior to the incident, the applicant had consumed alcohol along with the said friend and that thereafter, on 19th July 2020, the incident in question took place.

7. Although, there is no eyewitness to the incident, the circumstances brought out by the material that has come on record during the investigation, indicates involvement of the applicant in the incident, which led to the death of the victim.

8. The postmortem report shows as many as 33 injuries on the body of the victim. The cause of death is recorded as head injury with polytrauma.

9. Considering the aforesaid material, a *prima facie* case is indeed made out against the applicant for offence under Section 302 of the IPC. The contention raised on behalf of the applicant that this could be said to be a case of sudden provocation and scuffle is belied by the postmortem report, which shows as many as 33 injuries on the body of the victim. Hence, no case is made out for grant of bail.

10. Accordingly, the application is dismissed.

11. However, the trial Court is directed to frame charges, if not already framed, within six weeks from today. The proceedings before the trial Court are expedited and it is directed that the trial

shall be completed as expeditiously as possible and in any case, within one year from today. If the trial is not completed within the stipulated 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.