



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4054 OF 2024
IN APEAL/904/2024**

**KRISHNA @ BILLU CHANDAR THAKARE
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Rajesh Mewara, Advocate for Applicant
Mr. A. S. Shinde, APP for Respondent-State

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 17/06/2025.

P. C. :

1. Applicant is convicted by the Sessions Court for the offence punishable under Section 302 of IPC and sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.3,000/-, in default, to suffer simple imprisonment for a period of six months. By this application, applicant seeks bail during pendency of his appeal.

2. Prosecution case in short is that in the night between 14/08/2017 and 15/08/2017 the accused committed murder of his wife by throttling and went to police station and informed the police. According to the prosecution, the motive behind commission of offence was that accused was suspecting on character of his wife. On information received from the accused, police went to the spot,

prepared spot panchnama, inquest panchnama and sent the dead body for post-mortem. PW-5 has performed the post-mortem, and according to him, the cause of death is cardio-respiratory arrest due to asphyxia caused by throttling.

3. Perusal of record indicates that the case is based on circumstantial evidence. In support of charge, the prosecution has examined eight witnesses. The information of the dead body of Sarita, was given by the accused to police. Thereafter, station diary entry was taken and police personnel went to the spot of incident and found the dead body of Sarita lying in the house of accused. The motive behind commission of the crime was that accused was suspecting on character of deceased Sarita. Motive is proved by the prosecution by examining PW-6. Post-mortem report indicates that Sarita has died due to cardio-respiratory arrest due to asphyxia due to throttling. It is not the case of the accused that he was not residing with his wife deceased Sarita. The burden was on the accused to explain the unusual and unnatural death of his wife that occurred in their house. However, he failed to discharge the said burden under Section 106 of the Evidence Act. Though the accused has taken defence of alibi, he has failed to prove the said defence by leading cogent evidence.

4. Considering the aforesaid evidence, prima facie we find that the trial court has properly appreciated the evidence on record and has assigned proper reasons while convicting the accused. There is no merit in the application and this is not a fit case to grant bail to the accused. Hence, the application is rejected.

5. Place Criminal Appeal No.904 of 2024 for final hearing as per its turn.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)

VS Maind/-