

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2285 OF 2024

Arif Kale Khan Applicant

Versus

The State of Maharashtra Respondent

Ms. Sana Shaikh, Advocate for the Applicant.

Ms. Sangeeta D. Shinde, APP, for the Respondent – State.

Mr. S. S. Jadhav, PSI, J.J. Marg Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

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P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No.208 of 2019 registered with J.J. Marg police station, for the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that the Applicant has murdered his wife by banging her head on floor by locking room he ran away. Due to foul smell emanated from said room, the neighbourers came to know about incident, it was informed to the police, when police opened the

door of said room, they found decomposed body of the deceased.

3. It is contention of learned counsel for the Applicant that Applicant has been falsely implicated in this case. There was no identification of dead body of the deceased. The Age of the deceased has not been ascertained. The brother of the deceased says her age was about 22 years, whereas the inquest panchanama shows the age of the dead body was 42 to 50 years. In postmortem report, the age of the deceased is shown same. Learned counsel further submitted that at the time of the incident, the Applicant was not present and the room was locked. The Applicant was not aware how incident happened. The Applicant was not residing in the said room and no such agreement was there. The Applicant is behind bar around five years and five months. The prosecution's case is based on circumstantial evidence. Considering long incarceration of the Applicant and prosecution case is based on circumstantial evidence, requested to allow the application.

She relied on Balwinder Singh Vs. State of Punjab and Anr. in Special Leave to Appeal (Crl.) No(s). 8523 of 2024.

4. It is contention of learned APP that the deceased was wife of the Applicant. The Applicant was staying with her in the said

room. The room owner has stated that before the police that he had rented the said room to the Applicant. Learned APP further submitted that before committing murder of the deceased, the Applicant obtained her signatures on some bank stamp papers. The Applicant has murdered the deceased by banging her head on floor. The postmortem report shows death caused due to head injuries. Learned APP further submitted that after the death of his wife, the Applicant took her dead body in taxi to graveyard. It is captured in the CCTV footage. When the person at the graveyard told him to bring the medical certificate, the Applicant ran away from the said spot and again he placed the dead body of his wife in room, locked the door and ran away. It shows active involvement in the crime. There is direct evidence against him. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused charge sheet.
6. The police has recorded the statement of room owner, Javed Abdul S. where dead body of the deceased found. He has stated the Applicant and his wife were staying on rent basis in the said room. It is contention of learned counsel for the Applicant that identity of dead body was not confirmed. It appears from the

documents produced on record that the brother of the deceased identified the body of the deceased on the basis of overlapping teeth of deceased. It appears from the documents that, in CCTV footage, the Applicant seen putting dead body of the deceased in the taxi. The Applicant ran away from the incident spot after locking the door. The deceased was his wife. The Applicant is seeking bail on the ground of long incarceration. In my view, it appears from the record that the Applicant has murdered his wife. The punishment for offence under Section 302 of the IPC is life imprisonment or death sentence. Considering these facts, I pass following order:-

ORDER

- i. Application is rejected.

(SHIVKUMAR DIGE, J.)