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

BAIL APPLICATION NO. 2452 OF 2024

Niraj Ramasare Gaund

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Ms.Chaitrali Deshmukh, Advocate for Applicant (through legal aid).
 - Ms. Megha Bajoria, APP for Respondent – State.
 - PSI- Mr.Mahesh Sawant, Goregaon Police Station present.
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CORAM : DR. NEELA GOKHALE, J.

DATE : OCTOBER 3, 2025

P. C.:

1. The Application is through jail. The Applicant seeks his release on bail in connection with the FIR No. 450 of 2019 dated 20/08/2019 registered with Goregaon Police Station for the offences punishable under Section 302 of the Indian Penal Code.

2. The case of the prosecution is that the Applicant was addicted to liquor and used to always fight with his wife. Even the parents of the Applicant were tired of his conduct and had thrown him and his wife out of their home. It is alleged by the first informant who is the brother of the deceased wife that the Applicant in his presence had even poured kerosene over his sister and tried to set her on fire. But at that time, the first informant-her brother intervened and saved his

sister. The Applicant has always ill-treated his wife and treated her with utmost physical and mental coercion. There are other instances of assault by the Applicant on the deceased wife. On 18/08/2019, according to the first informant, his deceased sister called him and asked him to lend her Rs.5,000/- to pay the school fees of her children. At about 4.00 p.m. on the same day, the deceased sister on telephone told the first informant that the Applicant had threatened to kill her. After some time, he received the call from his mother that his sister has died by hanging. The cause of death as per the charge-sheet was asphyxia due to ligature strangulation. Thus the FIR came to be filed against the Applicant.

3. The Applicant made an application before the Sessions Court at Dindoshi. However, by a detailed order dated 20/02/2024, the said Bail Application came to be rejected. Ms. Chaitrali Deshmukh learned counsel for the Applicant submitted that the Applicant is in incarceration for more than 6 years, charges are framed, however, the evidence has not yet started. She submits that in these circumstances, the Applicant be released on bail.

4. Ms.Megha Bajoria, on the other hand, has placed on record a detailed order passed by the Sessions Court rejecting the Bail Application. The same is taken on record. Ms.Bajoria also submits that eye-witnesses in the present case are two minor children who

witnessed the Applicant assaulting their mother. She submits that if he is enlarged on bail, it is very likely that he will intimidate the children and tamper with their evidence. Hence, she submits that the Application be rejected.

5. I have heard both the parties and gone through the record with their assistance. Considering that the eye-witnesses to the present incident are his two minor children and it is extremely likely that if the Applicant is enlarged on bail, he will intimidate his children and tamper with the evidence. Presently, the children are staying with grandparents i.e. parents of deceased wife. The trial Court while rejecting the Bail application has observed that the Applicant is the habitual offender and he has always assaulted his wife which ultimately resulted in her death. In these circumstances, I am not inclined to allow the present Application. The Application is rejected.

[DR.NEELA GOKHALE, J.]