

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

**INTERIM APPLICATION NO. 4657 OF 2024  
IN  
CRIMINAL APPEAL NO. 1255 OF 2024**

Somnath Maruti More

.....Applicant

Versus

State of Maharashtra

.....Respondent

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Mr. Shilpan Gaonkar – appointed Advocate for the Applicant

Mr. Arfan Sait - APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL &  
S.M. MODAK, JJ.**

**DATE : 13<sup>th</sup> JANUARY 2025**

**P.C. :**

1. This is an application for bail, pending appeal. The Applicant was convicted by the Additional Sessions Judge, Nashik. The learned Judge vide his judgment and order dated 17.10.2023 in Sessions Case No. 423 of 2018 convicted him under Section 302 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for life and to pay fine of Rs.

50,000/- and in default to suffer simple imprisonment for two years. He is in custody since 31.07.2018.

2. The prosecution case is in respect of murder of the Applicant's wife. Her decomposed dead body was found on 30.07.2018. The cause of death was mentioned as effect of manual strangulation and cerebral hemorrhage due to blunt trauma to head.

3. Learned counsel for the Applicant submitted that the case is based purely on circumstantial evidence. There are no eye-witnesses. One of the main circumstances is in respect of the stay of the Applicant and his deceased wife together at a lodge. The entry in respect of stay is not reliable and therefore, there was no evidence that they had stayed together prior to the incident. There is no other witness who had last seen the Applicant with his wife before her murder. He submitted that in any case the dead body was discovered on 30.07.2018 and that alleged stay was on 23.07.2018, therefore, there was no proximity of time. He submitted that there is no other corroborative piece of evidence.

4. Learned APP submitted that, in the past also, the Applicant had assaulted his wife on 30.06.2018 and at that time also the assault was on the head which shows that the Applicant intended to cause serious harm to his wife.

5. Learned APP submitted that the Applicant has not offered any explanation whatsoever in support of his defence.

6. We have considered the submissions. As pointed out by the learned APP, there was history of assault by the Applicant on his wife.

PW No. 5-Dr. Ansari has stated that on 30.06.2018, he had examined the Applicant's wife and had found two blunt trauma on back and neck and two CLWs on the head.

PW No. 6- Sunil Godaware was the brother of deceased. He has deposed about the earlier assault which had taken place prior to the main incident. He has deposed that the deceased had lodged her complaint at Yeola Police Station. After that, the Applicant had approached him and had assured that he

would treat the deceased properly. He had taken the deceased with him. Therefore, this evidence shows that the Applicant's wife was staying with him.

PW No. 3- Narad Ahire has deposed about the stay of the Applicant and his wife together at a place meant for stay of the devotees. He had produced receipt dated 23.07.2018.

7. At this stage, it is not possible to observe that the said receipt was forged. The dead body was found in decomposed state on 30.07.2018 and post-mortem report mentions the cause of death as mentioned earlier.

8. The Applicant has not offered any explanation whatsoever. Apart from that, his Voter-ID was found near the dead body, his clothes were recovered at his instance from a place which was not easily accessible to all. All these circumstances are incriminating, and the Applicant has not offered any explanation. At this stage, it is not possible to hold that these circumstances do not form a complete chain.

9. In this view of the matter, no case for grant of bail pending the appeal is made out. Therefore, the application is rejected. However, hearing of the appeal is expedited.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)