

BAIL APPLICATION NO.1792 OF 2025

Jaspalsingh Surendrasingh Masuta ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Mr. Raviraj Paramane a/w Deval L. Shinde, for the Applicant.

Mr. Sagar R. Agarkar, APP for the State – respondent.

Mr. Narayan Palam – Palle, API, CBD Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 21, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Crime Register No. 69 of 2023 registered with CBD Belapur Police Station, Navi Mumbai, for the offence punishable under Section 302 of the Indian Penal Code, 1860, alleging commission of murder of his wife, Rajwindar Kaur.

2. As per the case of the prosecution, the informant is the real brother of the deceased. He has narrated in the FIR that he has two sisters, of whom Rajwindar Kaur is the younger one. She got married in the year 2015 to Jaspalsingh Surendrasingh Masuta

and resided with him at Navi Mumbai. From the wedlock, one daughter named Manpreet, presently five years old, was born. The matrimonial household included her husband, daughter, brother-in-law Preetpal Singh, and at times, her mother-in-law Ranjeet Kaur, who mostly stays at their native place in Punjab.

3. The FIR further discloses that the accused, namely Jaspalsingh, was in the habit of consuming alcohol and often quarreled with the deceased. It is also alleged that when Rajwindar Kaur was pregnant for the first time, there was a miscarriage, which led to disputes between the couple. The informant states that on several occasions, due to domestic quarrels, the deceased came to her parental house, but after intervention by the family members, she was sent back. The accused had also gone to Qatar for about a year and had returned to India on 22 January 2023. However, the quarrels between the husband and wife continued thereafter, which was also informed to the informant by his sisters.

4. On 2 April 2023 at around 9:45 p.m., the informant received a phone call from one Rita, the sister-in-law of the deceased, informing him that Rajwindar Kaur and Jaspalsingh had a quarrel and that Rajwindar Kaur had been taken to hospital. The informant immediately proceeded towards their house, and on the way, received another call from Rita, who informed him that Rajwindar Kaur had passed away. It is alleged that the applicant had murdered his wife by cutting her throat, and accordingly, a crime was registered.

5. Learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. He placed reliance upon the statement of a neighbor, which indicates that around 8:30 p.m. on the date of incident, the applicant and deceased were seen conversing normally, engaging in regular talk. However, around 9:00 p.m., the same neighbor allegedly heard the applicant saying to another witness, Surindar Kaur, that he had killed “Beboo” (a nickname for the deceased). It is, therefore, argued that the alleged incident occurred suddenly and without any premeditation, and that the applicant himself surrendered before the police on 2 April 2023. It is thus prayed that the applicant deserves to be released on bail.

6. On the other hand, the learned APP strongly opposed the bail application. She submitted that the material collected during the investigation prima facie indicates the involvement of the applicant in the commission of the offence. It is submitted that the Spot Panchnama shows presence of blood stains in the hall of their house where both resided. Blood-stained clothes were recovered from the applicant and a knife allegedly used for the offence has also been seized from him. The post-mortem report clearly reveals that the deceased died due to a deep incised wound on the throat, which is consistent with the prosecution case. Furthermore, some witnesses have seen the applicant leaving the premises wearing blood-stained clothes while admitting that he had killed his wife. The fact that the applicant surrendered immediately after the incident, according to the prosecution, only goes to show consciousness of guilt and not innocence. It is therefore submitted

that in view of the seriousness of the offence, the applicant does not deserve to be released on bail.

7. I have considered the submissions advanced by the learned advocate for the applicant and the learned APP, and perused the material placed on record. At this stage, it is well settled that while considering an application for bail in a case of serious offence like Section 302 of IPC, the Court is not required to conduct a mini-trial, but must be satisfied as to the existence of prima facie material showing the involvement of the accused in the alleged offence. The gravity and seriousness of the charge, and the manner in which the crime is committed, are relevant factors.

8. In the present case, the FIR and the prosecution material clearly disclose that the applicant was residing with the deceased, his wife, in the same premises, and on the night of 2 April 2023, there was a quarrel between them. The medical evidence, in the form of the post-mortem report, shows that the death of the deceased was homicidal, caused due to a deep incised wound on the neck. This medical evidence fully supports the case of the prosecution that throat of the deceased was slit with a sharp weapon, leading to her death.

9. Further, the Spot Panchnama indicates that blood stains were found in the hall of the house where the couple resided, and as per the seizure panchnama, blood-stained clothes were recovered from the applicant. A knife allegedly used in the commission of the offence has also been recovered from the possession of the applicant. These circumstances, taken together, point towards

direct involvement of the applicant in the crime.

10. The eye-witness account of the neighbors, including the version that the applicant was seen leaving the house wearing blood-stained clothes, and shouting that he had killed his wife, is a strong incriminating circumstance. The submission on behalf of the applicant that the incident was not premeditated and that he had surrendered himself soon after the incident, does not, in the facts of the present case, create any mitigating circumstance in favour of the applicant. On the contrary, his act of surrender immediately after the incident, though relevant, may at best indicate remorse or consciousness of guilt, but does not wash away the prima facie nature of the offence disclosed against him.

11. The contention that at 8:30 p.m., the applicant was seen speaking normally with the deceased does not dilute the case of the prosecution, especially when the incident allegedly occurred shortly thereafter, and the evidence points to the commission of a serious and brutal offence within the confines of the matrimonial home, where only the applicant and the deceased were present. Domestic quarrels, even if frequent, cannot justify a homicidal act.

12. The nature of the accusation, the gravity of the offence, the material collected so far, and the fact that the incident appears to have taken place within the matrimonial house, make it clear that the applicant and the deceased were last seen together, and the circumstances strongly point to his culpability. These factors, at this stage, rule out the possibility of granting bail. There is no material to show false implication, as alleged.

13. In view of the above discussion, and having regard to the seriousness of the charge, the gravity of the offence, and the prima facie material indicating the applicant's involvement in the alleged murder of his wife, I am not inclined to grant bail to the applicant at this stage. The possibility of tampering with evidence or influencing witnesses, though not expressly argued, cannot be ruled out, considering that the prosecution case rests in part on witnesses from the locality and family.

14. The bail application stands rejected.

15. The Bail Application stands disposed of.

(AMIT BORKAR, J.)