

Order below Exh.1 in Cri. Bail Application No. 15/2022

Popat @ Pappu Ratan Vir .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nasik-road Police Station, Nashik-road,
(Cr. No.I 277/2021) .. Prosecution

Order below Exh. 1.

1. This is the subsequent application filed by the applicant/accused after filing of charge-sheet, under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Nashik-road Police Station, for the offence punishable under section 302 of the Indian Penal Code.

2. According to the prosecution, the FIR was lodged by one Manda Sahebrao Salwe on 29.09.2021 alleging therein that deceased Jyoti was her sister. She was married to the applicant in the year 2005. Out of the said wedlock, she had given birth to three children. After marriage, applicant started harassing her mentally and physically by raising suspicion on her character. The deceased Jyoti had lodged report to that effect in Kopergaon Police Station. She was fed up with the behaviour of the applicant and so, she often used to go to her parents house along-with the children. Prior to 4-5 months of the incident, applicant raised quarrel with her and so, she left her house and started

residing with the complainant. The applicant then, started threatening her on phone. On 28.09.2021 when the complainant was on duty, she got a phone-call from her deceased sister that she is going to meet her husband at Pawan Hotel, Nashik-road. In the evening, she got information that her sister is admitted in Civil Hospital, Nashik. Immediately, she reached the hospital and came to know that there was quarrel between her sister and the applicant and he had mercilessly killed her by strangulating her with Odhani. So, she lodged the report with the police station.

Based on her report, crime was registered against the accused vide CR No.277/2021 and he was arrested on 29.09.2021 and since then, he is in judicial custody.

3. The learned counsel Shri B.N.Gangawane appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence and falsely implicated in this crime. His further detention is not required. There is no evidence on record to connect the accused with the crime. He has brought his wife and children for outing and so there was no question to kill her. There is no eyewitness to the incident. The applicant was arrested on suspicion only. The investigation is over and charge-sheet is filed. Lastly, he prayed for grant of bail to the applicant/accused.

4. The ld. APP Smt Kotwal has argued that applicant

has committed serious offence. The punishment prescribed for the offence is life. Lastly, she prayed for rejection of the application.

The investigating officer has filed his reply vide Exh.5 and strongly opposed the application on the ground that offence is serious in nature and the applicant has killed his wife by taking suspicion on her character. If he is released on bail, there is every possibility of pressurizing the complainant and witnesses and tampering with evidence by the applicant. On these and other grounds, he prayed for rejection of the application.

5. After hearing both the sides, no doubt that the allegation against the accused applicant is serious in nature. It reveals from the statement of the witnesses that applicant used to suspect her character and their relations were strained. The deceased had also lodged criminal complaints against the applicant regarding ill-treatment. Further, applicant was with the deceased, this fact was not disputed by him. According to him, she committed suicide by hanging herself in the hotel room. For a moment if it is presumed that she has ended her own life then the evidence which prompted her to end life is missing. The accused has not given any satisfactory explanation as to what happened between them just prior to her death, what prompted her to commit suicide. Police have also seized blood stained Bed etc from the crime scene. The statement of Children were also recorded and they have stated against their own father. The

medical evidence is also favouring the prosecution. Considering the nature of offence, punishment prescribed for the offence, it is not proper to grant him bail. Further there is no change in circumstances which entitles him to file an application. Hence, I am inclined to pass following order.

O r d e r

Application stands rejected.

(Smt. S.S. Nair)

Date : 21.01.2022.

Addl. Sessions Judge-4, Nashik.