

Order below Exh.1 in Cri. Bail Application No. 291/2022

Sandeep Mahadu Waje

.. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Wadivarhe Police Station, Wadivarhe,
Dist. Nashik. (Cr. No.I 27/2022)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** who was arrested in the aforesaid Crime registered at Wadivarhe Police Station, for the offence punishable under section 302, 440, 201 r/w. 34 of the IPC.

2. The FIR was lodged on 03.02.2022 by PSI Uttam Khandu Shinde of Wadivarhie Police Station. According to the case of the prosecution, the deceased Suwarna Sandip Waje was a Doctor by profession. She was married to the applicant for few years and out of the said wedlock, she has given birth to two children. Soon after marriage, their relations became strained and matrimonial disputes were pending between them. The applicant wanted to get separated from her. He was willing to have second marriage. The deceased had demanded Rs.30 Lacs for the separation. The applicant was not willing to give such huge amount to deceased and so he plotted with the co-accused to kill her. Accordingly on 25.01.2022, around 09.10 pm, he called his wife near Bhujbal "T" Point on Mumbai Agra highway. She reached there in her Ritz Car. The applicant and co-

accused also reached there. The applicant was carrying the bag containing two Can of Sanitizer, one acid Can, knife and one petrol bottle. The applicant went near his wife and some altercation took place between them. Thereafter, the applicant strangulated her with the aid of Odhani. As a result, she became unconscious. In order to confirm whether she is dead, the applicant cut her throat with knife. He then called his aide /co-accused and told him to put acid on her face so that she could not be identified by anyone. He also told them to burn the Car by putting petrol and sanitizer. Accordingly, they executed the plan and the said car was burnt. During preliminary investigation, Police suspected involvement of the applicant and co-accused. The crime bearing CR No. 27/2022 was registered against the applicant and others. They were arrested on 03.02.2022. Since then he is in custody.

3. The learned counsel Mr. A.U.Nikam appearing for the applicant/accused has argued that applicant has not committed any offence. He is not concerned with the crime. There is no incriminating evidence collected against the applicant. He was arrested just because his relations with his wife were strained. But there was compromise between them and a deed was executed between them. She has admitted all her mistakes, faults and agreed to reside peacefully with the applicant. Since then, they were staying happily. She had given birth to a boy. They had purchased new Car recently on the occasion of their son's birthday. The pics are filed on record to show their cordial relations. He further submitted that prior to two days of the incident, the applicant alongwith his family members including his wife now deceased had renovated Gram God Temple at their native village Khed Bhairav, Tal. Igatpuri. So there is

no reason for the applicant to kill his wife. The learned counsel further says that the mobile of the applicant is already seized by the police and nothing remains to be seized from him. His custodial interrogation is already over. His further detention is not required. Considering the nature of the offence, he prayed for grant of bail to the applicant/accused.

In support of his contentions, the ld. Counsel for applicant has placed his reliance on the rulings reported in the cases of **Sujit Biswas Vs. State of Assam**, (2014) 1 Supreme Court Cases (Cri) 677, **Vijay Shankar Vs. State of Haryana** (2015) 12 SCC 644 and **Nesar Ahmed Vs. State of Bihar**, (2001) 9 SCC 736. He says that confessional statement of the co-accused is not admissible and cannot be relied. Hence prayed to release the applicant on bail.

4. The Investigating Officer has filed his reply at **Exh.5** and strongly opposed the application stating that the offence is serious in nature and applicant has brutally murdered his wife with an intention to remarry with another lady. During investigation, it revealed that that applicant had conspired with co-accused and murdered her brutally. The confession given by co-accused shows his involvement. The co-accused had shown the spot of incident at his instance, certain incriminating articles were recovered. After killing the deceased, he destroyed the body by burning it. If applicant is released on bail, he may pressurize the witnesses and may tamper with the evidence. The offence is serious in nature. The investigation is still in progress. Hence, lastly prayed for rejection of the application.

The Ld. APP Smt. Reshma Jadhav has strongly submitted her argument in the line with the say filed by the

investigating officer vide Exh.10. She submitted that the offence is serious in nature. The applicant and co-accused had brutally murdered the deceased who was renowned Doctor of the City. The CDR of the mobile of the applicant shows his presence on the spot of incident at the relevant time. The applicant had motive to kill his wife. If applicant is released on bail, definitely, he will try to tamper with the evidence. In support of her contentions, she relied on the case law reported in the case of **Ishwarji Nagaji Mali Vs. State of Gujarat**, 2022 ALL SCR (ON-LINE) 46 SC and prayed for rejection of the application.

5. After hearing both the sides and on going through the case-diary, no doubt, the offence is serious in nature. It was the co-accused who revealed the modus operandi of the crime. It was at his instance, police has seized all incriminating articles which were used in commission of the crime. The investigation is at preliminary stage and considering the seriousness of the offence and punishment prescribed for the offence, I am not inclined to release the applicant on bail. Following order is passed.

Order

Application is rejected.

(**Smt. S.S. Nair**)

Addl. Sessions Judge-4, Nashik.

Date : 15.03.2022.