

Rohit Ghuge

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2395 OF 2026
IN
CRIMINAL APPEAL NO. 701 OF 2026

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Ramesh Parashram Gawande,
Age: 24 years, Residing at Biwal
Taluka: Surgana, Nashik – 422211
(Presently at Nashik Road Central
Prison)

...Applicant

Versus

The State of Maharashtra
(Through Surgana Police Station)
Dist. Nashik and Ors.,

...Respondents

Mr. Shilpan Gaonkar a/w Samarth Sadavarte, for the Applicant.
Mr. Tanveer Khan, APP for the Respondent-State.

**CORAM: BHARATI DANGRE &
ASHISH S CHAVAN, JJ.**

DATE : 29th AUGUST 2026.

PC:-

1. The Applicant, has approached this Court seeking suspension of the sentence imposed on him *vide* order and judgment dated 23.12.2025 convicting him for offense punishable under Section 302 of the Indian Penal Code (“IPC”) and bail pending appeal. The Applicant was sentenced to undergo imprisonment for life and to pay a fine of

Rs.10,000/-, in default to suffer simple imprisonment for six months.

2. Heard, Mr. Shilpan Gaonkar for the Applicant and Mr. Tanveer Khan, APP for Respondent-State. Perused the application and appeal.

3. The case of the prosecution in a nutshell is that the Applicant is the nephew of informant PW No.1-Chandar Gavande. The informant resides with his two sons at village Bival. Since, the informant was travelling to Pandharpur on 14.03.2023, he had come to his house at village Bival along with his grand children on 13.03.2023. The informant was in his agricultural land and his grand children were in the house. At about 11.30 am., PW No. 2, child witness came crying to the informant, she said that the Applicant had assaulted her mother by an axe and that the informant should rush to the house immediately. When the informant returned to his house, he noticed his daughter in law lying dead in a pool of blood. There was an axe and footwear near by.

4. One Ganga Mahale was present there. He told the informant that he had seen the Applicant proceeding towards his house along with an axe. After sometime, the Applicant ran away. At that time, there was no axe in his hand. The informant went to the Police Station and lodged his report which was recorded by the Police and FIR was registered against the Applicant for having committed murder of the deceased. Dead body of the deceased was taken to Rural Hospital. After post mortem, her

body was handed over to the family. Thereafter, Police Investigation commenced, various panchnamas were drawn, statements were recorded, the axe and footwear of the Applicant was seized from the spot of the offence. The Applicant was arrested. After conclusion of investigation, charge sheet was filed. The case was committed to the Sessions Court. The Applicant pleaded not guilty and claimed to be tried. As many as seven witnesses were examined on behalf of the prosecution. The Applicant took up a defence of false implication and denial.

5. On behalf of the Applicant it was submitted that the case rested on the foundation of the evidence of the child witness PW No. 2, whose evidence did not inspire confidence and whose deposition had several omissions and contradictions. He also invited our attention to the evidence to urge that there were inherent contradictions between the witnesses which raise a doubt on the prosecution's case. There were several discrepancies in the injuries mentioned in the inquest panchnama versus the post mortem report. In the light of these facts, the advocate for the Applicant prayed for suspension and bail pending appeal.

6. Learned APP has countered the submissions of the Applicant by submitting that PW No. 2, child witness is also an eye witness to the entire incident. The Trial Court before recording her evidence has ascertained the fact that she was aware of the importance of taking an oath and also found her competent to testify. Her evidence has not been

eroded in the cross examination and hence, her evidence inspires confidence. He further submits that, apart from this eye witness, PW No. 3 has deposed that he has seen the Applicant proceeding towards the house of the deceased, with an axe in hand. He also saw the Applicant running away and at that time he did not have an axe in his hand. Thereafter, the child eye witness came to him crying and told him that her mother i.e. the deceased was killed by the Applicant. He submitted that the axe and footwear of the Applicant were seized from the spot of the offence. The medical evidence corroborates ocular evidence and the injuries on the body of the deceased. In the wake of these submissions, learned APP prayed that the bail be rejected.

7. Appreciating rival submissions, following facts emerge. The entire case of the prosecution rests essentially on the evidence of two witnesses namely PW No.2 and PW No. 3. In so far as PW No. 2 is concerned, she was a child witness studying in the second standard at the time her statement was recorded. At the time when she deposed, she was studying in the fifth standard. Since, she was a minor and no oath could be administered to her, the Trial Court has asked her questions to find out her general intelligence and the importance of swearing an oath and consequences rising out of lying under oath. These questions have been satisfactorily answered by the witness. She has categorically deposed that on the day of incident she had not gone to school. At that time, she along

with her mother were present in the house. She states that (Applicant) Ramesh came into their house and tried to strangle her mother. He took out an axe from behind and assaulted her mother on the neck and head, leading to serious injuries on her neck and head and severe loss of blood. The Applicant took off his footwear and ran away. PW No. 2 went to PW No. 3-Gangaram and told him that the Applicant has killed her mother with an axe.

8. This fact is corroborated by the evidence of PW No. 3-Gangaram who has deposed that when he was at his house he saw the Applicant proceeding towards the house of the deceased, with an axe in hand. After that, he deposes to have seen the Applicant running away and at that time he did not see any axe in his hand. He also corroborates PW No.2, child witness by confirming that she had come to him crying immediately after the incident. The evidence of these two witnesses has not been shattered in the cross examination. Although the defence has brought out some contradictions in the evidence of PW No. 3 on the aspect of seeing the Applicant proceeding to the house of the deceased with an axe, even if this contradiction is accepted his corroboration of the narration by PW No 2 remains uncontroverted.

9. The murder weapon i.e. the axe is seized from the spot. The footwear of the Applicant is identified by PW No. 1, informant who happens to be the uncle of the Applicant. The Applicant is arrested

immediately after the incident. Post mortem notes show four chop injuries on various parts of the body of the deceased namely the head (skull), the neck and the cervical vertebra. All injuries were ante-mortem. The cause of death was opined as injuries to the neck and head. The Doctor performing the autopsy (PW No. 5) has stated in his evidence that the injuries mentioned in column no. 17 were possible by the iron axe which was examined by him. These injuries were life threatening and sufficient to cause death. Investigation has revealed that the Applicant had one sided obsessive love for the deceased which was resisted by her. The Applicant has therefore, assaulted her and committed her murder.

10. In the light of the aforesaid analysis of evidence, the eye witness testimony, seizure of murder weapon, the nature of injuries being in consonance with the medical evidence, at the *prima facie* stage, no case is made out the for grant of bail pending appeal.

In the wake of the aforesaid discussion the application for bail and suspension of sentence is rejected and disposed of accordingly.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.