

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL APPLICATION NO. 2412 OF 2015
IN APEAL/400/2015 WITH APEAL/400/2015

PANKAJ RAMESH PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Chatterji Joydeep
APP for Respondents/State : Mr.S.B. Pulkundwar.

...
CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.
Dated: JULY 16, 2015

...

Heard learned Counsel for the appellant. He invited our attention to the evidence of prosecution witnesses and in particular, evidence of P.W.6 and submitted that, since the door was not open, the prosecution witnesses pushed the door and removed the dead body from the bathroom. According to the learned Counsel appearing for the appellant, death was suicidal and not homicidal and, therefore, the order of conviction cannot be sustained. He, therefore, submitted that the application for bail may be allowed.

2 Learned APP appearing for the State, relying upon the notes of evidence, submitted that there is overwhelming evidence on record. Dead body of the deceased was lying in the bathroom in burnt condition. He also invited our attention to the medical evidence and submitted that the appellant has been rightly convicted by the trial Court and therefore, the application may be rejected.

3 We have heard the learned Counsel for the appellant and the learned APP for the State, perused the record and proceedings and in particular, medical evidence and evidence of other witnesses. It is not in dispute that the bathroom is situated in the house of accused and the dead body of the deceased was found in the bathroom. Medical Evidence unequivocally indicates the injuries other than burns on the person of the deceased. On perusal of the medical evidence and Exh.91, it is abundantly clear that blood was found of the spot and also one injury on the right thigh. It is not desirable to elaborate on the evidence at this stage since appeal of the applicant / appellant is pending for hearing. Suffice it to say that the findings recorded by the trial Court, *prima facie*, appear to be in consonance with the record.

4 No case is made out for grant of bail. Application stands rejected.

Registry to send back the record & proceedings to the Registry of the trial Court. After receipt of the record, the concerned Court to prepare paper-book and send the same along with record & proceedings to the Registry of this Court, as expeditiously as possible and preferably within three months from today. Upon receipt of paper-book and the record, liberty to move for early hearing of the appeal.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)

kadam/