

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.181 OF 2015
IN
CRIMINAL APPEAL NO.55 OF 2011

Anil Adik Bansode	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Daulat G. Khamkar for the Applicant.

Smt. V.R. Bhosale, A.P.P., for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 17TH FEBRUARY, 2015.

P.C. :

1. The applicant, by this application, seeks suspension of the substantive sentence of imprisonment and his enlargement on bail, pending the decision of the Appeal. The applicant stands convicted on the allegations that the applicant, along with other co-accused, committed murder of one Dattatraya on 10th November, 2008. The Prosecution, principally, relied on the evidence of PW-9 Pooja Bansode and PW-10 Sunderabai Bansode, who had seen the applicant and the other accused coming from the field, where the dead body was found. According to these witnesses, the clothes of the accused were stained with blood. The report of the Chemical Analyzer indicates that the blood found on the clothes was human blood. The Trial Court, therefore, came to the conclusion that

the Prosecution had proved the offence against the applicant and other accused beyond reasonable doubt.

2. Mr. Khamkar, the learned counsel for the applicant, has urged before us that the evidence adduced by the Prosecution is insufficient for sustaining the conviction of the applicant as the chain of circumstances which points to the guilt of the accused is incomplete. Smt. Bhosale, the learned A.P.P., has supported the findings arrived at by the Trial Court.

3. Perusal of the evidence of PW-9 Pooja Bansode and PW-10 Sunderabai Bansode from the Judgment of the Trial Court shows that these witnesses have been found reliable by the Trial Court. The circumstance of the accused emerging from the agricultural field with blood stains on their clothes is a strong circumstance against the applicant. The applicant has also, it appears, not offered any explanation for human blood on his clothes. Additionally, we find that the applicant was not on bail.

4. In the light of the aforesaid evidence, we are not inclined to suspend the substantive sentence of imprisonment and release the applicant on bail. This application is, accordingly, dismissed. Hearing of the Criminal Appeal No.55 of 2011, however, is expedited.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]