

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 368 OF 2015
IN
CRIMINAL APPEAL NO. 243 OF 2011**

Vishwas Nathu Sase.

... Applicant.

V/s.

The State of Maharashtra.

... Respondent.

None for the Applicant.

Mrs. Sangeeta D. Shinde, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

MARCH 31, 2015.

P.C. :-

This Application has been sent by the Applicant from Jail praying that either he may be released on bail by suspending the substantive sentence of imprisonment or the hearing of the Appeal may be expedited.

2. The case against the Applicant is based on the circumstantial evidence. The circumstances against the Applicant which have been culled out by the Trial Court at paragraph 20 of the Judgment indicate that (1) deceased Ashatai had died a homicidal death in the house of the

Applicant; (2) the Applicant had motive for committing the said crime and the motive is said to be a golden necklace which was being demanded by Ashatai; (3) recovery of the golden necklace at the behest of the Applicant under Section 27 of the Indian Evidence Act; (4) disclosure made by deceased Ashatai to her brother PW-1 Chandrakant and uncle PW-2 Narayan about the Applicant not returning the necklace and the threats given by the Applicant; and (5) conduct of the accused soon after the incident.

3. We have examined the findings recorded by the Trial Court and in our opinion, in the light of such overwhelming evidence, we are not inclined to suspend the substantive sentence of imprisonment and to release the Applicant on bail. However, since the Applicant has undergone nearly five years of imprisonment, we direct that the Appeal filed by the Applicant be added to the final hearing board from 5th May 2015 at its appropriate place on the board.

4. Application is thus partly allowed as indicated above.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)