

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1503 OF 2015
IN
CRIMINAL APPEAL NO.1015 OF 2013

Vajjnath Kisan Ambure		Applicant
<i>Versus</i>		
The State of Maharashtra		Respondent

Mr. Anand Shivaji Patil for the Applicant.

Mr. H.J. Dedia, A.P.P., for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 21ST DECEMBER 2015.

P.C. :

1. This application is preferred by Original Accused No.1 seeking suspension of substantive sentence of imprisonment and his enlargement on bail during pendency of this Appeal.

2. This is second Bail Application preferred by him. The earlier Bail Application No.1612 of 2014 came to be withdrawn with liberty to file fresh application, in view of the order passed by this Court on 19th December 2014.

3. The submission advanced by learned counsel for the Applicant is that, on the ground of parity, he is entitled to be released on bail, as Accused No.1 Sunita, his mother, is already released on bail by this Court vide its order dated 20th November 2013 passed in Criminal Application No.1581 of 2013. However, perusal of the said order itself reveals that Accused No.1 Sunita was released on the ground that she is a woman and aged person, as she is said to be about 50 years of age, though, prima facie also, a strong case has been established against her. Now, both these grounds are not applicable to the present Applicant to claim the bail on the ground of parity.

4. The Applicant has been convicted for the offence punishable under Sections 498-A and 302 r/w. 34 of IPC. The maximum punishment imposed on him is that of life imprisonment. The evidence on record that of PW-1 Dr. Prabha Sakhare proves that there were as many as 34 injuries found on the dead body of Applicant's wife Urmila at the time of postmortem examination. Those injuries were caused by the hard and blunt object like the stick. The said stick is recovered at the instance of the Applicant, as can be seen from the evidence of Panch Witness PW-3 Bharat Vanjari. The evidence of PW-1 Dr. Sakhare proves that there was

fracture of hyoid bone and the cause of death was '*asphyxia due to throttling*'. The evidence of PW-5 Shrimant Pachpund, the father of deceased Urmila, proves that there was demand of the amount of Rs.15,000/- and on that count, Urmila was subjected to harassment and ill-treatment. There is further evidence of PW-8 Nagnath Pachpund, brother of deceased Urmila to that effect, as in his presence Urmila was abused and harassed for failure to satisfy the demand. PW-9 Parmeshwar Chavan has also deposed about such ill-treatment.

5. In our considered opinion, in view of this evidence on record, the case against the Applicant, being prima facie strong, we are not inclined to suspend his substantive sentence of imprisonment merely because he was on bail during the trial. Hence, the application stands dismissed.

6. As the Appeal is of the year 2013, the hearing of the Appeal is expedited.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]