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

**CRIMINAL APPLICATION NO.614 OF 2015
IN
CRIMINAL APPEAL NO.644 OF 2015**

Shyam Ghisalal Padiyar	... Applicant
V/s.	
The State of Maharashtra	 Respondent

Mrs. Nasreen Ayubi, appointed advocate, for Applicant.

Mr. A.S. Shitole, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 13th JULY, 2015.

P.C. :

1. Heard the learned Advocate for the applicant and the learned APP for the State.
2. The applicant has been convicted for the offences punishable under Sections 302 and 381 of Indian Penal Code. The applicant, by this application, is seeking bail.
3. It is the prosecution case that the applicant was working in the house of deceased Vinod at the relevant time as a servant. The

applicant robbed cash from the house of Vinod and throttled Vinod which led to the death of Vinod. Only Vinod, his wife Heeralaxmi and the applicant were residing in the house at the time of the incident.

4. The evidence against the applicant is that P.W.7 Heeralaxmi who is wife of the deceased Vinod has stated that she heard noise. When she went to the bed room of her husband, her husband Vinod was lying on the bed and the applicant was standing near him. The cause of death of Vinod is throttling. There was no-one else in the room except the applicant and Vinod at the time of incident. Vinod was taken to hospital. P. W. 1 Dr. Shendage, examined Vinod in the hospital. As Vinod could not speak, he wrote that the life of his wife is in danger and he wrote about cash. The finger print of the applicant was found on the cupboard in which cash was kept. There is recovery of cash of Rs.69,000/- from the applicant which is stated by panch witness P.W.4 Mahadeo More.

5. Looking to the evidence on record, we do not think that this is a fit case to grant bail. Application is rejected.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [SMT. V. K. TAHILRAMANI, J.]