

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 CRIMINAL APPLICATION NO. 5508 OF 2016
IN APEAL/569/2016 WITH APEAL/569/2016

BHIMRAO S/O TATENATH SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gajanan G. Kadam
APP for Respondents: Mr. S. Y. Mahajan

. . .

CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 1ST DECEMBER, 2016.

PER COURT:

Heard learned counsel for the applicant and learned APP for the respondents.

2] Perused the notes of evidence. The contention of the counsel for the applicant that the eye witnesses are interested witnesses inasmuch as they are relatives of the informant, needs no consideration, as, in case of interested witnesses who are relatives of the victim, their evidence is required to be scrutinized carefully. However, law does not contemplate exclusion of their evidence merely because the prosecution witnesses are relatives of the victim.

3] The appellant was not on bail during the trial. So far as contention of the counsel for the applicant that, keeping in view the acts attributed the appellant, the weapon used and injury sustained by deceased, the case will fall within the ambit of Section 304 Part II of IPC, is concerned, it would not be appropriate to consider the same because, prima facie, we find that the findings recorded by the trial court appears to be in consonance

with the evidence brought on record. In that view of the matter, no case is made out for grant of bail. Accordingly, the application stands rejected.

4] Registry to send back the Record and Proceedings to the Sessions Court at Kandhar. Upon receiving the record, the Registry of the concerned Court to prepare the paper book and send it back to this Court alongwith the Record and Proceedings, as expeditiously as possible, however, within a period of 3 months from date of receipt of said record. Upon receiving the paper book and record by the Registry of this Court, Counsel for appellant would be at liberty to mention for early hearing of the appeal.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-