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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.112 OF 2016
IN
CRIMINAL APPEAL NO.588 OF 2015

Anil Kumar Chhotelal Yadav		Applicant
V/s.		
State of Maharashtra		Respondent

Mr. Sachin Chandan, appointed advocate for the Applicant.
Mr. H. J. Dedia, APP for the Respondent-State.

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

DATE : 11TH FEBRUARY 2016.

P.C:

1. This application is for bail, preferred by original accused No.1, who is convicted alongwith co-accused, for the offence punishable under Sections 392 and 302 read with Section 34 of the Indian Penal Code.
2. As per learned counsel for applicant, the case is based on circumstantial evidence and there is no recovery of stolen articles at the instance of applicant. Therefore, applicant deserve to be released on bail.
3. However, the evidence on record shows that the

dead body of deceased Shankar was found in the workshop and since then his two workers namely applicant and co-accused were found missing. The Call Detail Record is also produced on record. Prosecution has also relied upon the evidence relating to recovery of the key of the workshop at the instance of applicant and recovery of stolen articles at the instance of co-accused. In view of this prima facie evidence on record coupled with the fact that during pendency of the appeal also, applicant was not released on bail, in our view, his substantive sentence cannot be suspended during pendency of the appeal. The application therefore stands dismissed.

Fees be paid to the the appointed advocate as per rules.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]