

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.229 OF 2016

IN

CRIMINAL APPEAL NO.126 OF 2013

Tanaji Maruti Kolekar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. D.G. Khamkar for the Applicant.

Mr. H.J. Dedia, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 31st March, 2016.

ORAL ORDER [PER SMT. ANUJA PRABHUDESSAI, JJ]:-

The Applicant, who has been convicted for offence under section 302 of the IPC has filed this application for suspension of sentence and releasing him on bail pending the appeal.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. We have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that one Kasturbai was missing from the house since 18.1.2012 at about 3.30 p.m. The missing report was given by PW-12 Kishore Tonpe on 29.1.2012. The CDR details revealed that the Applicant herein had made phone calls to deceased Kasturbai on 18.1.2012. Based on the said records crime No.14 of 2012 was registered against the Applicant for offence punishable under section 364 of the IPC. While the Applicant was in custody, he made a disclosure statement pursuant to which, spade being the weapon of offence as well as the dead body of Kasturbai was recovered. The medical evidence revealed that said Kasturbai had died as a result of head injury. There is prima facie material in the form of recovery as well as last seen, which prima facie link the Applicant with the aforestated crime.

4. Considering the nature of the evidence and the facts and circumstances we are not inclined to suspend the sentence by releasing the Applicant on bail pending the appeal, hence the application is dismissed.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)