

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

**CRIMINAL APPLICATION NO. 439 OF 2016
IN
CRIMINAL APPEAL NO. 279 OF 2016**

1. Sandeep @ Jounthy Mahadeo Jadhav
2. Vinayak Mhadeo Jadhav ..Applicants
(Org. Accused Nos.1 and 2)

v/s.

The State of Maharashtra. ..Respondents

Ms. Rohini Dandekar, Advocate appointed for the Applicant
Mr. H.J.Dedia, APP for the respondent.

**CORAM : SMT. V.K.TAHIMRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 26, 2016.**

P.C. (PER ANUJA PRABHUDESSAI, J.).

1. The applicants who have been convicted for the offence under Section 302, 504, 506 r/w. 34 of IPC, by this application are seeking suspension of sentence and enlargement on bail, pending the decision of the appeal.

2. Heard learned Counsel Ms. Dandekar for the applicant and the learned APP for the State. We have perused the records and

considered the submissions advanced by the learned counsel for the respective parties.

3. The case of the prosecution in brief is that on 23.3.2014 at about 3.30 p.m. the aforesaid applicant with the common intention committed murder of Dhananjay Shankarrao Rajput.

4. In this regard, the evidence of Sanjay, brother of deceased reveals that the deceased Dhananjay was working at Gangavesh Country Liquor Shop. On 23.3.2014 at about 3.45 p.m., the deceased had called his brother Sanjay on his cell phone and had told him that two persons had stabbed him on his chest and stomach. When Sanjay went to the liquor shop, he found that his brother was shifted to C.P.R. Hospital, Kolhapur. When he went to the hospital, his brother Dhananjay told him that earlier in the day, the applicant no.1 had quarreled with him and had threatened him of dire consequences. Thereafter the applicant no.1 had called to applicant no.2. The deceased was also called outside the shop and he was assaulted by blows and kicks. Thereafter the applicant no.1 caught him from behind and the applicant no.2 stabbed him with a knife on his stomach and chest. Nobody intervened in view of the threats

given by the applicants.

5. Dhananjay had also disclosed the incident to his sister Rekha and Sangram More. The evidence on record also reveals that PW12 Pradeep Powar had taken Dhananjay to the hospital by his rickshaw. The evidence of this witness also indicates that Dhananjay had told him that he was assaulted by the accused. Said Dhananjay died on 25.3.2014. The medical evidence also reveals that Dhananjay had stab wounds over chest and abdomen. Amongst other internal injuries, there was an injury to the right lung lower lobe. The doctor has opined that the stab injuries could be caused by knife which was recovered as per the disclosure statement made by the applicant no.2.

6. The material on record prima facie reveals that the applicants are involved in commission of the crime. Under the circumstances, we are not inclined to suspend the sentence and enlarge the applicants on bail pending the decision of appeal. Hence the application is dismissed.

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