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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 537 OF 2015
IN
CRIMINAL APPEAL NO.577 OF 2015.

Sanjay Kashinath Khomane		Appellant
V/s.		
The State of Maharashtra		Respondent

Mr. Abhaykumar Apte, 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 : 8TH JANUARY 2016.

ORAL ORDER: [PER : SMT. V.K. TAHILRAMANI, ACJ]

1. The applicant has been convicted under Section 302 and 506(2) of the Indian Penal Code. The applicant is now seeking bail.
2. It is the prosecution case that the applicant assaulted Abasaheb with axe on the neck. The prosecution is relying on the evidence of P.W.1 Sachin, who is an eye witness to the incident. Sachin is the son of

deceased Abasaheb. Sachin has stated that on 17.10.2007, at about 2.00 p.m., he was standing in front of his house, at that time, the applicant came out of his house with axe in hand and the applicant abused and gave threats. The applicant then started assaulting Sachin, at that time Sagar the brother of Sachin and Abasaheb the father of Sachin, came there and tried to separate quarrel. The applicant, then inflicted blow with axe on the neck of Abasaheb i.e. father of Sachin.

4. In addition to the evidence of P.W.1 Sachin, prosecution has relied on the evidence of P.W.5 Gorakh, to whom oral dying declaration implicating the applicant was made by the deceased.

5. The learned APP pointed out that after the incident, applicant was absconding for almost four years.

6. In view of the above facts, we are not inclined to grant bail. Application is rejected. However, the hearing of the appeal is expedited.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed order.