

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

CRIMINAL APPLICATION NO. 867 OF 2016
IN
CRIMINAL APPEAL NO. 258 OF 2016

Jitendra Ranjit Tanpure ... Applicant

v/s.

The State of Maharashtra ... Respondent

Mr. Chaitanya Sakhare for the applicant.
Mrs. M.M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

3rd October, 2016.

P.C.

The applicant was convicted and sentenced for an offence punishable under Sections 302 of I.P.C. to suffer imprisonment for life. The deceased is wife of appellant-accused. They had 30 years of married life. The dead body of deceased was found in the Suyash lodge. The deceased had suffered serious injuries on head. There was sharp cut wound of size 6X2X3 cms over left side of the body and injuries on the chest. The inquest panchnama referred to six injuries. The cause of

death according to Doctor who conducted post mortem was "severe hemorrhage shock resulting due to head injury and chest injury."

2. Learned Counsel appearing for petitioner submits that the case is based on circumstantial evidence. There is variance in the prosecution case on evidence, inquest panchnama, post mortem report.

3. Learned Counsel submits that son of the applicant has not supported the prosecution case. The entries in the register maintained by the lodge are not proved. The evidence was tampered with and concocted version was placed before the Court. The chain of circumstances is not complete and, therefore, applicant deserves to be released on bail.

4. Learned APP opposed the bail application. According to prosecution there is sufficient material placed on record, which points guilt towards the applicant only. The evidence of Manager of the hotel who had seen both the applicant and deceased-wife entering the lodge is crucial. The Manager allotted them a room and thereafter made entry in the register of lodge. The applicant was identified by the Manager in the Court. It was submitted that son of the applicant was declared hostile

but he deposed before the Court that applicant and his wife had left in the morning. He had seen the applicant with blood stained clothes.

5. Learned Prosecutor submitted that detailed evidence would be scanned at the final hearing stage. Considering the evidence in totality, the applicant shall not be released on bail.

6. We have perused the evidence placed before us, deposition of witnesses, PW 1,2,3,8,11, post mortem report, statement under Section 313. The Manager of the hotel has deposed in clear terms that appellant and his deceased wife had come to the lodge and they were allotted a room. The applicant entered his name in the register and applicant was seen with blood stained clothes while coming out of the room. He was identified by the Manager in the Court to be same person who had entered the lodge and who was seen with blood stained clothes. The evidence of the medical officer PW9 Dr. Sanju Gaikwad shows that deceased suffered sharp cut wound. There were blood clots under the scalp, there was skull fracture over the left side of temporal region, there was internal bleeding on left side under the brain and midstrain of chest. According to doctor who deposed before the Court the cause of death was "severe hemorrhage shock resulting in head injury and chest injury".

7. The applicant was not on bail during trial. Taking into consideration the evidence on record, the facts and circumstance, we are not inclined to release the applicant on bail. The application stands rejected.

(PRAKASH D. NAIK, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)