

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

CRIMINAL APPLICATION NO. 879 OF 2015
IN
CRIMINAL APPEAL NO. 810 OF 2015

Sadashiv Mallinath Pujari ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. V.V.Purwant, for the Applicant.
Mr.A.S.Shitole, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 05, 2016.**

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

1. The applicant who has been convicted for the offences under Section 302, 404 and 201 of IPC and sentenced to undergo imprisonment for life for offence under Section 302 IPC, R.I. for five years with fine of Rs.5000/- i.d. R.I. for six months for offence under Section 404 IPC, and R.I. for two years with fine of Rs.3000/- id. R.I. for six months for the offence under Section 201 of IPC, has by this

application has sought suspension of sentence and enlargement on bail during pendency of the appeal.

2. The applicant herein is alleged to have abducted one Ranjana and committed her murder and mis-appropriated her jewelery and thereafter disposed of her body. Upon considering the evidence adduced by the prosecution witnesses, the learned trial Judge held the applicant guilty and convicted and sentenced him as stated above.

3. Shri Purwant, the learned Counsel for the applicant submitted that the prosecution has not established that the bones which were allegedly recovered were of the deceased. He has submitted that there is no prima facie material on record to link the applicant with the offence. He therefore claims that the applicant is entitled for bail.

4. The learned APP has submitted that the bones of the deceased were recovered pursuant to the disclosure statement made by the

accused. The learned APP has also submitted that the silver anklet (payal) found along with the bones was identified by the sister of the deceased as that of Ranjana. Furthermore, the gold ornaments of the deceased were recovered from the goldsmith pursuant to the disclosure statement made by the applicant. The learned APP therefore contends that the evidence on record proves the involvement of the applicant in the crime which is of serious and heinous nature.

5. We have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State.

6. The deceased Ranjana was working as postmaster at Khelgar post office. On 30.3.2011 at about 7.30 am she had left her house to go to the workplace. On the same day at about 1.30 p.m. her sister PW1 Sunanda received a phone call from the post office informing her that Ranjana had not reported to her duties. The testimony of PW1 indicates that she was unable to contact her sister and hence

she lodged a missing report at Satara City Police Station.

7. It is stated that PW11 P.I. Chandrakant Shinde, had put the mobile of the deceased on tracking. It was revealed that the applicant herein was using the mobile handset of the deceased. The applicant was traced and arrested. The evidence on record reveals that pursuant to the disclosure statement made by the applicant, a skeleton/bones wrapped in a saree and an silver anklet were recovered from Ambenali Ghat. PW1 Sunanda had identified the saree as well as the anklet as that of the deceased.

8. The testimony of PW11 reveals that pursuant to the disclosure statement made by the applicant, gold ornaments of the deceased were recovered from the goldsmith PW8 Ashok Jain. The testimony of PW10 Damodar also reveals that on 30.8.2011 the applicant herein had told him that his mother is suffering from serious ailment and since he was in need of money, he wanted to sell certain gold ornaments. The testimony of PW10 reveals that he had introduced the applicant to PW8 Ashok Jain, proprietor of Nakoda Jewellers and

that the applicant had sold some jewelery to PW8 for Rs.2,42,000/-. The said gold ornaments viz. Bangles, earrings and rings were recovered from PW8 and the same have been identified by the sister of the deceased as that of Ranjana.

9. The evidence on record therefore prima facie proves the involvement of the applicant in commission of the said crime. In the light of the above facts and circumstances, we are not inclined to suspend the sentence and/or grant bail to the applicant. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)

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