

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1060 OF 2016
IN
CRIMINAL APPEAL NO.608 OF 2016

Shankar Kallappa Koli ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mrs.Nasreen S.K. Ayubi, Advocate appointed for the Applicant
Mr.Arfa Sait, APP, for Respondent - State

**CORAM: SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, J.**

DATE: SEPTEMBER 29, 2016

P.C.: (PER MRS.BHATKAR, J.):

1. This bail application has been preferred in criminal Appeal No.608 of 2016, which is directed against the judgment and order dated 29.4.2016 passed by learned Additional Sessions Judge, Gadhinglaj, thereby convicting the applicant-accused for the offence punishable under section 302 of the Indian Penal Code and sentence of life imprisonment and fine and in default S.I. for 3 months. The accused has murdered his wife Ganga on 4.10.2014 in the house with sickle.

2. The learned Counsel for the applicant has submitted that the conviction is based on only circumstances. There is no eye witness and there is no sufficient evidence to convict the accused.

3. Learned Prosecutor has opposed the application.
4. Perused the evidence of the witnesses especially the evidence of PW4 Vitthal, who is examined and believed on the point of last seen together. Ganga was found in the house of the accused in a pool of blood. The house was locked from outside and key of the house was found with the accused. There is evidence of the witnesses PW4 Vithhal and PW11 Gulab that the accused and the deceased and PW4 Vithal were together before the incident of murder. Perused the post-mortem notes. It shows that the murder was due to multiple chop wounds where the spinal cord was severed between C4 and C5 vertebrae. Considering this evidence against the applicant-accused and the conviction, at this stage, we are not inclined to grant bail.
5. Application is rejected.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)