

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

**CRIMINAL APPLICATION NO. 1064 OF 2015
IN
CRIMINAL APPEAL NO. 512 OF 2012**

Balu @ Vishwanath Jagannath Shete ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Rahul S. Kate, Advocate for the Applicant.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

DATE : 27th APRIL, 2016.

P.C. :

1 Learned counsel appearing for the Applicant prays for grant of bail to the Applicant, pending the admitted appeal for final disposal.

2 The applicant was convicted and sentenced to suffer life imprisonment by the impugned judgment and order dated 29th February, 2012 passed by the learned Additional Sessions Judge, Pune for the offence punishable under section 452, 302 read with 34 of the Indian Penal Code.

3 The learned counsel for the applicant submits that even if prosecution case is assumed to be true, the applicant cannot be convicted for offence punishable under section 302 of the Indian Penal Code.

4 The learned APP has opposed this application of the applicant. It is submitted by her that there is clinching evidence against the applicant supported by eye witness to the incident and that the wife of the deceased has disposed that the evidence is not shaken.

5 We have perused the record. Evidence of the eye witnesses is perused by us. The evidence shows that the applicant-accused along with acquitted accused entered into the house of the deceased and stabbed him with knife due to which the deceased succumbed to the injuries.

6 On merits, the applicant does not deserve to be released on bail. His bail application is rejected.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

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