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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1453 OF 2015
IN
CRIMINAL APPEAL NO.1036 OF 2015

Sheshman Magdul Pal .. Applicant.

V/s.

The State of Maharashtra .. Respondent

Mrs. A. M. Z. Ansari, for the Applicant.
Smt. V. R. Bhonsale, APP for the Respondent-0State.

CORAM : SMT. V. K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 9TH FEBRUARY 2016.

P.C: [Per Dr. Shalini Phansalkar-Joshi, J.]

1. The applicant has preferred this application for suspension of substantive sentence of imprisonment and for his release on bail till the decision of this appeal.

2. The applicant has been convicted by the Additional Sessions Judge, Nashik, in Sessions Case No.142 of 2012, for the offence punishable under Sections 302 and 201 of the Indian Penal Code and sentenced to suffer imprisonment for life, in

respect of homicidal death of his wife Sangeeta and two minor sons namely i) Shiva, aged about 2 ½ years and ii) Chhotu, aged about 7 years.

3. The prosecution case is based on circumstantial evidence. The main circumstance relied upon by prosecution is that discovery of all the three dead bodies of his wife and two sons, at the instance of the appellant in pursuance of the disclosure statement given by him in the presence of panchas. The second circumstance relied upon by prosecution is evidence of P.W.9 Amitkumar, the brother of deceased Sangeeta, who has deposed about illtreatment of Sangeeta at the hands of the appellant, on the ground that he was taking suspicion on her character and prior to this incident also, he was given understanding at the police station not to give illtreatment to Sangeeta. There is also corroborating evidence of the neighbour who has seen the appellant carrying two gunny bags in which the dead bodies of the children were taken out of the house. The trial Court has also relied upon the peculiar conduct of the appellant, in evading queries relating to Sangeeta and the children as made by her brother P.W.9 Amit Kumar.

4. In our considered opinion, in view of this prima facie evidence on record, the applicant cannot be entitled to bail. Hence his application stands dismissed.
5. The hearing of the appeal is expedited.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]