

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1480 OF 2015
IN
CRIMINAL APPEAL NO.13 OF 2016

Sanjay Shamrao Birange .. Applicant

V/s.

The State of Maharashtra .. Respondent

Ms. Rohini M. Dandekar, appointed advocate for the Applicant.
Smt. V. R. Bhonsale, APP for the Respondent-State.

CORAM : SMT. V. K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 16TH FEBRUARY 2016.

P.C:

1. Heard learned counsel for the applicant and learned APP for the State.
2. This application is preferred by original accused, in Sessions Case No.14 of 2012, who has been convicted by Additional Sessions Judge, Jaisingpur, District: Kolhapur, for the

offence punishable under Section 302 of Indian Penal Code and sentenced to suffer rigorous imprisonment for life, in respect of homicidal death of his wife Indu.

3. Prosecution case stands on the evidence of P.W.2 Rohit, son of deceased Indu and the applicant. According to his evidence, it was the applicant who assaulted his wife Indu with stone as applicant was suspecting the character of Indu. There is corroborating evidence of P.W.1 Vimal Kamble to the effect that P.W.2 Rohit has disclosed about the incident to her and when she rushed to the house of applicant, she found Indu was lying in a pool of blood. Further there is evidence of P.W.3 Ajay, another son of deceased Indu, who has also deposed about having witnessed the incident. There is further evidence of P .W. 8 Dr. Pakhare, who has conducted postmortem examination and has opined the cause of Indu's death was the injury caused due to assault by stone.

4. In our considered opinion, in view of this overwhelming evidence on record against the applicant coupled

with the fact that during pendency of trial also, he was not on bail, his application for bail cannot be allowed. Hence application stands dismissed.

5. Fees be paid to the the appointed advocate as per rules.

[SMT. V.K. TAHILRAMANI, J.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]