

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 462/2016
IN CRIMINAL APPEAL NO. 256/2016.

Ganesh Somaji Pithale

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : DECEMBER 08, 2016.

Heard Shri S.V. Sirpurkar, learned Counsel for the applicant/appellant and Shri T.A. Mirza, learned A.P.P. for respondent – State.

2. Prayer is to release the applicant on bail by suspending his sentence. Effort of learned counsel for the applicant is to demonstrate that there is no clinching evidence of last seen, as also on motive. The trial Court has only relied upon the circumstances of recovery of weapons and blood stained clothes. The said recovery is doubtful because police had found a knife at spot and on it as per C.A. report blood stains are detected. Under Section 27, a knife is recovered from residence of accused, but, it does not carry any

2

blood stain. Gupti recovered is reported to be carrying blood stains. Similarly, his clothes are also found to be stained with human blood. He also points out that accused was himself found injured and those injuries are not explained.

3. Learned A.P.P. submits that human blood is found on knife seized at spot and also on gupti recovered from residence of accused. Blood is also detected on his clothes. Injuries on him needed to be explained by the accused.

4. In this situation, in the light of above material, at this stage, we are not inclined to suspend the sentence. However, we expedite hearing of the appeal.

5. Accordingly preparation of paper book is expedited. Liberty is granted to move for fixing a date of hearing, after paper book is prepared. Criminal Application is disposed of accordingly. No costs.

JUDGE

JUDGE

Rgd.