

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL APPLICATION NO. 122 OF 2017
IN APEAL/70/2017 WITH APEAL/70/2017

CHANDRAKANT S/O BABURAO MUSANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Tukaram M. Venjane
APP for Respondents: Mr. S.G. Karlekar
...

CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE : 24TH MARCH, 2017.

PER COURT:

1] When the application was called for the first time today, the counsel for the applicant prayed for time. However, his prayer was rejected. The matter was kept back so as to facilitate the advocate for the appellant to go through record.

2] When the application is called for the second time, the counsel for the applicant is not present. With the able assistance of the learned APP, we have perused the original record and also the findings recorded by the trial court. Upon careful perusal of the original record, it transpires that the eye witnesses PW-6, Bharatbai Chandrakant Musne, wife of accused Chandrakant and daughter of deceased Namdeo, PW-7 - Shardabai, who is mother of complainant and PW-8 - Ramkishan Eknathrao Kondgir, who is independent witness, have supported the case of the prosecution. There is other evidence brought on record by the prosecution, which corroborates the substantive evidence of the aforesaid eye-witnesses.

3] Prima facie, the findings recorded by the trial court are in consonance with the evidence on record. No case is made out for release of

the accused during the pendency of the appeal. In that view of the matter, the application for bail stands rejected.

4] The Registry of this Court shall send original Record and Proceedings to the Registry of Additional Sessions Judge, Udgir. Upon receiving the original record and proceedings by the Registry of the Additional Sessions Judge, Udgir, the Registry of concerned Court shall prepare the paper book and send it back along with original record and proceedings, as expeditiously as possible, and preferably within four months from receipt of the original record and proceedings.

[K.K.SONAWANE]
JUDGE

[S.S. SHINDE]
JUDGE

grt/-