

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

**CRIMINAL APPLICATION NO.157 OF 2017
IN
CRIMINAL APPEAL NO.249 OF 2016**

Ashok Malka Atkare	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. U.R. Agandsurve for the Applicant.
Ms S.D. Shinde, APP for the Respondent -State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 6th APRIL, 2017.

P.C.:-

Heard the learned counsel for the Applicant and the learned
APP for the Respondent -State.

2. This application is taken out for bail during the pendency of the Appeal. The Applicant is the original accused No.2. By the impugned judgment and order dated 19th March, 2016 he has been convicted for offence punishable under section 302 read with 34 of the Indian Penal Code and sentenced to suffer life imprisonment and fine of Rs.5000/- i.d. further simple imprisonment for a period of six months.

3. The Applicant is convicted on the basis of evidence of PW5 Mangal Pawar, who is eye witness to the incident. Her evidence disclosed that on 10.3.2010 at about 9.00 p.m. she saw the Applicant assaulting deceased Jalindar by a sickle. The medical evidence shows that post mortem was conducted on the deceased Jalindar on 11.3.2010 in Mohol Rural Hospital at about 1.55 p.m. He has sustained following injuries :

(a) Cut lacerated wound 18x6x6 cm on left side of neck.

(b) There was fracture on left clavicle.

(c) Right lung and left lung of deceased were congested.

4. The Doctor has opined that the death of the deceased was due to haemorrhagic shock with injury to vital organs. He has stated that all injuries are possible by the muddemal-sickle. Thus, medical evidence corroborates the evidence of PW-5 and PW-6.

5. Considering the nature of offence and evidence against the Applicant, we are not inclined to release the Applicant on bail. The Application is rejected.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)