

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 655 OF 2017
IN
CRIMINAL APPEAL No. 400 OF 2017

Nilesh Hiru Gavit. ..Appellant.

Versus

State of Maharashtra. ..Respondent.

Ms. Juanita Menezes i/b Mr. K. S. Patil for the Applicant.
Mr. A. R. Kapadnis, APP for the State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **September 26, 2017.**

P. C. :

1. Heard the learned Counsel for the Applicant and the learned APP for the State. The Additional Sessions Judge at Palghar by the judgment and order impugned in the above appeal has convicted the Applicant for an offence punishable under section 302 of IPC and sentenced him to suffer life imprisonment. The above appeal is already admitted and the Applicant has taken out this application for bail during the pendency of appeal.

2. We have gone through the impugned judgment and order as well as notes of evidence. There is no direct evidence and the prosecution has relied upon the circumstantial evidence. The following circumstances were held to be against the Applicant to prove his guilt :

[1] the Applicant chased the deceased.

[2] the Applicant was last seen together with the deceased.

- [3] the dead body of deceased was found in the house of Applicant.
- [4] belongings of the deceased, her eartops and bangles were found in the house of Applicant.
- [5] similarly one broom was lying in the house of Applicant which had blood stains.

. Coupled with the above circumstances, the Applicant was found missing from the village immediately on the next day.

3. In the light of above evidence it would not be appropriate to release the Applicant on bail during the pendency of appeal. Application is, therefore, dismissed.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]