

Rane

* 1/2 * APPLN-1013-2017 (SR.33)
2.8.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1013 OF 2017

IN

CRIMINAL APPEAL NO. 150 OF 2015
(BY ACCUSED AGAINST CONVICTION)

Marvat Bhiva Mukane

.....Applicant
(Orig.Accd no.1)

V/s.

State of Maharashtra

.....Respondent
(Orig. Complainant)

Ms. Rohini Dandekar, Advocate appointed for the applicant.

Mrs. G.P. Mulekar, APP for respondent, State.

CORAM :- SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :- 2ND AUGUST, 2017.

P.C. :-

1. Heard both sides.
2. The applicant/original accused no.1 has been convicted under Section 302 read with Section 34 Indian

Penal Code. The applicant is now seeking bail.

3. It is the prosecution's case that on 23rd August, 2009 at about 11.45 p.m. the applicant alongwith the co-accused assaulted Rupesh and caused his death. Three eye-witnesses i.e. P.W.2-Ram, P.W.3-Kapil and P.W.4-Jayant have stated that the applicant was armed with stick and the co-accused was armed with a sickle and both of them assaulted Rupesh. The evidence of P.W.12-Dr.Dere who performed the post-mortem, showed that, the deceased had sustained five injuries which are consistent with the assault with sickle, as well as stick. In addition, the deceased had sustained three serious internal injuries. Looking to the evidence on record, we do not think this is a fit case to grant bail. The application is rejected. However, the Hearing of Appeal is expedited.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)