

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

**CRIMINAL APPLICATION NO.1407 OF 2016
IN
CRIMINAL APPEAL NO.434 OF 2016**

Amit Amrat Patel & Anr.	...Applicants
Versus	
The Union of India and Anr.	...Respondents

.....

Mr. N.S. Mundargi i/b. Mr. V. R. Sutaria for the Applicants.
Ms R.M. Gadhvi, APP for the Respondent No.2-State.
Ms P.H. Kantharia for the Respondent No.1.

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

DATED: 6th APRIL, 2017.

P.C.:-

Heard Mr. Mundargi the learned counsel for the Applicants,
Ms Gadhvi, the learned APP for the Respondent No.2-State and Ms
Kantharia for the Respondent No.1.

2. The application is taken out for suspension of sentence and for bail during the pendency and final disposal of the Appeal. By the impugned judgment and order dated 26th May, 2016 the Applicants are convicted for the offence punishable under section 302 read with 34 of the IPC and sentenced to suffer rigorous life imprisonment to pay a

fine of Rs.2000/- i.d. to suffer further rigorous imprisonment for 15 days.

3. The prosecution case is that the Applicants have committed murder of one Ramesh Chaita Patel, uncle of PW1. We, have gone through the records and considered the submissions advanced by Mr. Mundergi, the learned counsel for the Applicants. The record shows that there are three circumstances against the present Applicants which are as follows :

- a) They were seen at the place of the incident by PW1 and PW19.
- b) The Applicant No.2 had given extra judicial confession to the PW1
- c) Recovery of sword, bike apart from clothes worn by the Applicants as well as the mobile and clothes were stained with human blood.

4. Relying upon this evidence the Sessions Court convicted the Applicant. In our opinion, the Applicants are not entitled for bail pending appeal. The Application is accordingly rejected.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)