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

**CRIMINAL APPLICATION NO. 153 OF 2018
IN
CRIMINAL APPEAL NO. 36 OF 2017**

Mr. Mayuresh Ajit Gambhir

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Pankaj Kavale for Applicant.

Mr. V.B. Konde Deshmukh, APP for State.

Mr. G.L. Shewade, API, Poynad Police Station is present.

**CORAM : S.S. SHINDE AND
A.S.GADKARI, J.J.**

DATE : 11th October 2018

P.C.:

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] Heard the learned counsel for the applicant and the learned APP for State. Perused the record.

3] The applicant is convicted under section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life and to pay fine of Rs.50,000/-, in default of payment of fine, to further undergo rigorous imprisonment for one year, by the learned Sessions Judge, Alibaug, District-

Raigad in Sessions Case No.2 of 2008 by its Judgment and Order dated 25th February 2016.

4] The applicant is the original accused No.2. The evidence on record discloses that, the applicant has been identified by Suresh Tawade (PW No.1) as an assailant, who fired with a fire-arm from close range at the deceased Sachin.

Mr. Gitaram L. Shevale, Assistant Police Inspector attached to Poynad Police Station, District Raigad has filed an affidavit dated 29th August 2018 placing on record the antecedents at the discredit of the applicant. It is stated that, the applicant is involved in seven cases and out of which CR No.4 of 2009 registered with Alibaug Police Station under sections, 326, 324, 504 read with 34 of the Indian Penal Code and CR No.86 of 2013 registered with Poynad Police Station under sections 143, 147, 148, 149, 307, 395, 452, 436, 427, 504, 506 of Indian Penal Code and under section 3(1) 25 of Arms Act have resulted into conviction by Orders dated 15.2.2010 and 19.5.2018 respectively.

5] It is thus clear that, apart from identification of the applicant as a assailant in the present crime, there is history of conviction against the applicant at his discredit. The affidavit of the concerned Police Officer

indicates that, the applicant is history-sheeter and a habitual offender involved in serious offences.

6] In view of the above, we are of the considered view that, the applicant does not deserve to be released on bail. We find no merits in the present application and is accordingly rejected.

(A.S. GADKARI, J.)

(S.S. SHINDE, J.)