

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

**CRIMINAL APPLICATION NO.465 OF 2018
IN
CRIMINAL APPEAL NO.308 OF 2014**

Kamalabai Deelip Deore & Anr. Applicants
versus
State of Maharashtra ... Respondent

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- Mr.Ranjit V. Sangle a/w Mr.Hitesh Sangle, Mr.Jaiswal i/b.
Mr.Mrutyunjay Kute, Advocate for the Applicants.
- Mr.J.P. Yagnik, APP for the State/Respondent.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 21st JUNE, 2018.**

P.C. :

1. This is the Application for suspension of sentence and grant of bail during the pendency of the Appeal.
2. The learned Counsel submits that the case is purely based on circumstantial evidence and the prosecution has failed to prove the incriminating evidence beyond reasonable doubt. It is submitted that in any case prosecution is not in a position to establish the chain of proven circumstances, which lead to no other conclusion than the guilt of the accused.

3. The learned Trial Judge upon considering the evidence has convicted the Appellant. At the time when the death of the deceased occurred, the present accused along with the deceased daughter of the Accused No.1 and other persons were present in the house. The inquest panchanamas as well as the post-mortem report reveals that there was injuries on the neck of the deceased which prima facie corroborate the death by strangulation. In section 313 of Cr.P.C. no explanation regarding the injuries sustained by the deceased on his neck, has been given by the accused. Prima facie, we are of the view that the provision of section 106 of the Indian Evidence Act will be applicable to the present case.

4. In that view of the matter, we are not inclined to allow the Application.

5. The Application is rejected.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)