

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

**CRIMINAL APPLICATION No.1231 OF 2018
IN
CRIMINAL APPEAL No.781 OF 2016**

Vishal Puran Jain ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.J.G. Shetty for the Applicant

Ms.S.V. Sonawane, APP, for the Respondent – State

**CORAM: Mr.S.S. SHINDE &
Mrs.MRIDULA BHATKAR, JJ.**

DATED: SEPTEMBER 19, 2018

P.C.:

1. Heard the learned Counsel for the applicant/appellant and the learned APP for the State. The learned Counsel for the applicant/appellant invites our attention to the finding recorded by the trial Court and submits that there are no incriminating circumstances relied upon by the trial Court, so as to connect the present applicant/appellant with the alleged offence. He submits that the demand was by another co-accused, who was at the relevant time, a juvenile in conflict with law. Therefore, he submits that the applicant deserves to be released on bail.

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Satyanarayana
Sherla

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2. Learned APP appearing for the State relies upon notes of evidence and in particular, evidence of PW1 and PW3 and submits that the finding recorded by the trial Court is in consonance with the evidence brought on record.

3. We have given our careful consideration to the submissions of the learned Counsel for the appellant and the learned APP for the State. We have perused the evidence of the prosecution witnesses and in particular, Shri Rajendra Kumar Jain, PW1 and also Smt.Rekha Rajendra Jain, PW3. It clearly surfaced on record that the custody of son Prince is taken by PW1 from the present appellant, however, through police officer. The trial Court has recorded categorical findings in the impugned judgment and in particular, in paragraph 69 thereof. The role of the appellant is clearly spelled out. In that view of the matter, we are not inclined to entertain this application. The application stands rejected.

4. The appeal is expedited and it be included in the list of final hearing appeals from the week commencing from 1.10.2018.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)