

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

**CRIMINAL APPLICATION NO.1257 OF 2017
IN
CRIMINAL APPEAL NO.140 OF 2016**

**Santosh Dagadu Zinjade
Versus
The State of Maharashtra**

**..Applicant
..Respondent**

**Mr. V. V. Purwant a/w Mr. Rushikesh Kale, Advocate for the Applicant.
Mrs. S. S. Kaushi, APP for Respondent - State.**

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 18th JUNE, 2018**

PC.

1] This is an application for suspension of sentence and grant of bail.

2] Heard Mr. V. V. Purwant, learned counsel for the Applicant and Mrs. S. S. Kaushik, learned APP for Respondent – State.

3] Mr. V. V. Purwant, learned counsel for the Applicant submits that perusal of the material placed on record would reveal that the incident is outcome of quarrel between two brothers. He further submits that the attack was on account of grave and sudden provocation by the brother of the Applicant.

4] Mrs. S. S. Kaushik, learned APP vehemently opposes the application.

5] We have perused the evidence placed on record. The wife of the deceased PW-1 – Rani has clearly implicated the present Applicant. The evidence would further reveal that even after the neighbours sought to resolve the quarrel between two brothers, the Applicant went inside the house and brought gun and shot the deceased.

6] In view of this clinching evidence, we do not find that case is made out for grant of bail at this stage. The application is therefore rejected. The Applicant would be entitled to renew the request, in the event if the Appeal is not heard for three years.

[SARANG V. KOTWAL, J.]

[B. R. GAVAI, J.]