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

**CRIMINAL BAIL APPLICATION NO. 1260 OF 2017
IN
CRIMINAL APPEAL NO. 825 OF 2017**

Navsu Dhavlu Vanjari	...Applicant
vs	
The State of Maharashtra	...Respondent.

.....
Mr S.D.Nangre for the Applicant.
Mrs S.V.Sonawane, APP for the Respondent/State.
.....

CORAM : **B.R.GAVAI &
 B.P.COLABAWALLA, JJ.
 JANUARY 12, 2018.**

P.C.:

This is an application for suspension of sentence and grant of bail. The applicant has been convicted for the offence punishable under Sections 302 and 307 of the Indian Penal Code, 1860.

2 It is the prosecution case that on the date of the incident that is 24th February, 2015, the applicant came to the house of the deceased Laxman armed with an axe and on coming

there he asked the deceased to put his name in the record of rights pertaining to the land owned by the family. On the deceased refusing to do so by telling him that since his father is alive he will not do so, he dealt a blow of an axe on the head of the deceased. When P.W.7 Paribai Vanjari, wife of the deceased tried to intervene, she was also assaulted.

3 The prosecution case mainly rest on the evidence of P.W.7 Paribai Vanjari, the injured witness. We find, at this stage, her testimony cannot be said to be unbelievable. Apart from that the version given by P.W.7 Paribai Vanjari is duly corroborated by the neighbour P.W.8 Sangita Galat.

4 Though the learned advocate for the applicant has taken us to the other evidence, as held by the Apex Court in the case of **Niranjan Singh Vs. Prabhakar Kharote**¹ the detailed examination of the evidence and elaborate documentation of the merits should be avoided while passing order on bail application.

¹ 1980(2) SCC 559

5 Since, the conviction is based on the cogent evidence as already recorded, we find that this is not the case for suspension of sentence and grant of bail. It is further to be noted that the applicant has put in only two years in prison. In this view of the matter, the application is rejected.

6 Needless to state that the applicant is at liberty to renew his request after completion of half of the sentence awarded.

(B.P.COLABAWALLA, J.)

(B.R.GAVAI, J.)