

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1276 OF 2018
IN
CRIMINAL APPEAL NO. 1026 OF 2018

Sameer @ Ladu Vinayak Pawar.	...	Applicant.
V/s.		
The State of Maharashtra.	...	Respondent.

Mr.Veerdhawal Deshmukh for the applicant.
Ms.P.P.Shinde, APP for the respondent- State.

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 13th February 2019.

P.C. :

Heard the learned counsel appearing for the applicant who has been appointed to espouse the cause of the applicant. This is an application for grant of bail pending the appeal against conviction. The applicant has been convicted for the offence punishable under section 302 of Indian Penal Code. The learned counsel appearing for the applicant has taken us through the material portion of the evidence and submitted that all the circumstances forming the chain have not been established. The applicant has undergone sentence for 3 years and 5 months.

2. After having perused the evidence and findings of the trial Court, we find that there is an oral dying declaration made by the victim to PW5- Santosh R. Karekar and the said dying declaration has been

believed by the learned Sessions Court. After having perused the testimony of PW5, at this stage, *prima facie*, we find nothing to disbelieve the said testimony.

3. There is *prima facie* evidence of complicity of the applicant. Hence, no case is made out to grant bail to the applicant. Application is, accordingly, rejected.

(A.S.GADKARI, J.)

(A.S.OKA, J.)