

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1738 OF 2018****IN****CRIMINAL APPEAL NO. 608 OF 2016**

Shankar Kallappa Koli

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Ms. Nasreen S.K. Ayubi, Advocate appointed for the Applicant.

Ms. P.P. Shinde, APP for the Respondent-State.

CORAM : A. S. OKA, AND**A. S. GADKARI, JJ.****DATE : 5th FEBRUARY, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant who is appointed to espouse the cause of the Applicant.

2 The Applicant-accused is convicted for the offence punishable under Section 302 of the Indian Penal Code for committing murder of his wife.

3 The learned counsel appearing for the Applicant has taken us through the notes of evidence and other material on record. Her submission is that the evidence against the Applicant of last seen together creates a serious doubt and apart from the evidence of last

seen together, there is hardly any evidence.

4 We have considered the submissions. Perusal of evidence of P.W. no. 4 Vitthal, *prima facie* shows that the prosecution has established the theory of last seen together. P.W. no. 1 deposed that when the dead body of the deceased wife of the Applicant was found in the matrimonial home, the “*Mangalsutra*” on her person was missing and there is a recovery of the said article at the instance of the Applicant. Moreover, the clothes on the person of the Applicant were found stained with blood.

5 There is a *prima facie* evidence to show the complicity of the Applicant. Hence, no case is made out for enlarging the Applicant on bail. Application is rejected.

(A.S. GADKARI, J.)

(A.S. OKA, J.)