

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1287 OF 2019
IN
CRIMINAL APPEAL NO. 1557 OF 2018

Chetan Dashrath Gade. ...Applicant.

Versus

State of Maharashtra. ..Respondent.

Mr. A. P. Mundargi, Senior Advocate with Mr. V. B. Shivarkar for
the Applicant.

Mr. A. Sait, APP for the Respondent-State.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.

Date : **January 8, 2020.**

P. C. :

1. Heard Mr. Mundargi, learned senior counsel
appearing on behalf of the Applicant and Mr. Sait, learned APP for
the Respondent-State.

2. The Applicant herein is original accused no.1. He
along with his brother Akshay (original accused no.3) was
convicted for the offence punishable under sections 302 and 201
read with 34 of the Indian Penal Code, 1860 for committing
murder of Applicant's wife and sentenced to suffer imprisonment
for life. The appeal filed by the Applicant is admitted and the
present application is filed for bail during the pendency of appeal.

3. In the year 2018, said Akshay (original accused no.3

and brother of the Applicant) had filed an application for bail pending appeal, being Criminal Application No. 2084 of 2018 in Appeal No. 1557 of 2018. This application has been rejected by this Court [Coram : A. S. Oka and A. S. Gadkari, JJ] by passing a speaking order dated 25th February 2019. While rejecting this application of accused no.3, the division bench has categorically recorded a *prima facie* finding that death of Applicant's wife was homicidal one and was due to strangulation. The evidence alleged and relied upon against the present Applicant as well as the Applicant's brother - Akshay is more or less identical. We are, therefore, not inclined to release the Applicant on bail for the same reasons on which the Applicant's brother was refused bail.

4. In the light of above, application is **dismissed**. Taking into consideration the fact that the Applicant was on bail during trial and they were taken into custody subsequent to the conviction, we expedite the hearing of appeal.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]