

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

***CRIMINAL INTERIM APPLICATION NO.2891 OF 2021
IN
CRIMINAL APPEAL NO.596 OF 2022***

Shahir Bhikaji Kshirsagar ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Madhusudan Pareek, Appointed Advocate, for the Applicant.

Mr. A. R. Kapadnis, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 24th AUGUST 2022

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3. The applicant vide judgment and order dated 29th June 2018, passed by learned Additional Sessions Judge, Solapur, in Sessions Case No. 160 of 2016, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for life, which shall mean, till end of his natural life and to pay fine of Rs.10,000/- in default, to undergo further rigorous imprisonment for two years.

4. Perused the papers with the assistance of the learned counsel for the parties. Admittedly, the prosecution case rests on circumstantial evidence. A perusal of the evidence of PW1 – Gautam Sogale (complainant), *prima-facie*, shows motive for the applicant to commit the murder of his wife – Rukmini (deceased). There is recovery recovery of blood stained knife, at the instance of the applicant from the bushes closed to the place of incident. Blood stained clothes were seized from the person of the applicant, at the time of his arrest. The said clothes were found to be blood stained. Although, the C.A. report shows that the blood group is inconclusive,

the report shows that it was human blood. The evidence of PW2 – Kisan Sogale, *prima-facie*, also shows that the applicant was seen running from the spot where the incident had taken place and when questioned by the said witness, the applicant did not answer and continued to run. The applicant's chappal was also found at the spot of the incident. The said chappal has been identified by PW1 – Gautam as well as the applicant's son, PW4 – Rahul Kshirsagar.

5. Considering the overall evidence on record, this is not a fit case to enlarge the applicant on bail.

6. Hence, the interim application is rejected and disposed of as such.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.