

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1521 OF 2022****IN****CRIMINAL APPEAL NO. 510 OF 2022**

Akash Natha Koli

... Applicant/Appellant

**V/s.**

The State of Maharashtra

... Respondent

Mr. R. V. Bansode for Applicant/Appellant.

Ms. S. D. Shinde, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 25<sup>th</sup> November 2022.****PC. :**

1. This is an application for suspension of sentence and releasing the Applicant on bail.

2. Applicant has been convicted under Sections 376 and 302 of the Indian Penal Code for committing rape and murder of Ms.Pooja, who was then aged about 15 to 16 years.

3. Heard Mr.Bansode, learned counsel for Applicant at length and Ms.Shinde, learned A.P.P. for Respondent-State. Perused evidence.

4. Mr.Bansode, learned counsel for Applicant submitted that, the Applicant is behind bars since last about 10 years and therefore his application

for suspension of sentence and releasing him on bail may be sympathetically considered.

5. Evidence of PW-10 clearly indicates that, he saw Appellant going behind deceased on 8<sup>th</sup> September 2012 at about 7.45 pm towards Shivaji Chowk, Pashan from Ramkrishna Society. The said girl was thereafter found to be murdered on the next date. The dead body of the said girl was identified by her mother and other relatives. PW-7 conducted autopsy on the dead body of Ms.Pooja, has recorded 25 injuries on the person of the deceased.

6. After perusing evidence on record, it *prima-facie* appears to us that, the murder of Ms.Pooja has been committed in most brutal and diabolic manner with perversity. It further appears that, there is sufficient material to indict Applicant in the crime, which has been taken into consideration by the Trial Court while convicting and sentencing the Applicant.

7. In view of the above, we found that the Applicant can not be released on bail.

8. Application is accordingly dismissed.

[ PRAKASH D. NAIK, J. ]

[ A.S. GADKARI, J. ]