

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2310 OF 2022****IN****CRIMINAL APPEAL NO. 752 OF 2022**

Avinash Bhushan Pimpalkar @ Raju

... Applicant

V/s.

The State Of Maharashtra

... Respondent

Ms. Janhavi Karnik Appointed Advocate for Applicant.

Mr. H. J. Dedhia APP for Respondent-State.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 19th SEPTEMBER, 2022.****PC. :**

1. This is an Application for suspension of sentence and releasing the Applicant on bail.
2. Heard Ms. Karnik, learned Advocate appointed by the High Court Legal Services Committee, Mumbai to represent Applicant and Mr. Dedhia, learned APP for State. Perused charge-sheet.
3. Present case is based on circumstantial evidence. The name of deceased lady, who was aged about 50 to 60 years, is not known as she was residing on platform No.18 of Chatrapati Shivaji Maharaj Terminus, Mumbai

(CSMT) as a homeless woman. Applicant was also a vagabond and was also residing on platform No.18 of CSMT station being a homeless person.

4. It is the prosecution case that, in the night (approximately 12.00 hours) of 25th March, 2016, PW-3 who was also staying on platform No.18 of the said station, witnessed that, the Applicant alongwith co-accused Mukesh Musahar in a company of the said deceased lady were proceeding towards bathroom situated near Railway Court. That, Applicant took the said old lady behind bathroom and co-Accused followed her. The said witness was waiting at the said spot for half an hour, however none of the said persons came out of the said place. PW-3 thereafter went to sleep on platform No.18.

In the morning of 25th March, 2016 at about 8.30 a.m., PW-2 saw the dead body of unknown lady lying behind the bathroom in naked condition and a saree was thrown on her body. She immediately informed the said fact to the watchman of Railway Court and also gave a call to Police on 100 number. She has also stated that, many drug addict persons roam around in the said vicinity during the night therefore she did not open the door to go out even after hearing shouts by people. The said witness has stated that, in the night at about 2.00 a.m. her mother had heard shouts of a lady saying in marathi "*Maru naka mala soda*".

5. There is strong circumstantial evidence of Applicant last seen together with the deceased and co-accused by PW-3 coupled with the fact

that, the deadbody of the victim was immediately found near the same place at about 8.30 a.m.

In view thereof, we are not inclined to release the Applicant on bail.

Application is accordingly dismissed.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]