

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.374 OF 2021
IN CRIMINAL APPEAL NO. 263 OF 2021

(Jayanand s/o Arjun Dhabale and others vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.G. Varshani, Advocate for applicants/
appellants.

Shri M.J. Khan, Additional Public Prosecutor for
respondent.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JULY 4, 2022

Heard learned Counsel for the parties.

2) Shri Varshani, learned Counsel for the applicants/appellants, states on instructions that he would not press the application filed by the applicant/appellant no.1, but he would argue the application filed by the applicants/appellant nos.2, 3 and 4 on the ground that there is no evidence against these applicants. He relies upon the evidence of P.W.1 Kishor, which reveals that the murderous assault was made by applicant no.1 Jayanand and remaining applicants were standing near deceased Sunanda. He also submits that evidence of P.W.6 Ravindra and P.W.11 Sarthak is

not consistent with the evidence of P.W.1 Kishor.

3) Shri Khan, learned Additional Public Prosecutor for the respondent, submits that there is already a clinching evidence available on record against all the applicants and, therefore, this is not a fit case for suspension of sentence and grant of bail to the applicants.

4) On going through the evidence of P.W.1 Kishor, P.W.6 Ravindra and P.W.11 Sarthak, we find ourselves in agreement with the submissions of the learned Additional Public Prosecutor. Their evidence prima facie discloses active involvement of all the applicants/appellants in the offences for which they have been found guilty. The offence of murder punishable under Section 302 of Indian Penal Code is of serious nature. Hence, the criminal application cannot be allowed. The criminal application thus, stands rejected.

JUDGE

JUDGE

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