

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

***INTERIM APPLICATION NO.26 OF 2023
IN
CRIMINAL APPEAL NO. 1016 OF 2022***

Mr Kamlesh Rajpat Mishra ... Applicant
v/s.
The State of Maharashtra ... Respondent

Ms Saima Ansari for the applicant.
Mr A R Kapadnis, APP for the State.

***CORAM : NITIN W. SAMBRE &
R.N. LADDHA, JJ.***

DATE : 20th January 2023

Digitally
signed by
LATA
SUNIL
PANJWANI
Date:
2023.01.21
11:22:18
+0530

P.C.:

In Sessions Case No.164/2013 the appellant-accused was convicted for an offence punishable under Section 302 and is sentenced to life imprisonment.

2. The contention of the Counsel for the applicant in support of prayer under sub-section (1) of Section 389 of Cr. P.C. is that the applicant is incarcerated for a period of 9 ½ years. The conviction is based on the extra judicial confession which is a weak piece of

evidence. Apart from above, there is no direct evidence to connect the applicant to the offence in question. As such prayer for grant of release the applicant on bail is made out.

3. Mr Kapadnis, the learned APP appearing for the State, would oppose the prayer. The evidence of PW No.1 in categorical terms established the last seen theory as deceased was wife of the applicant.

4. Apart from above, the extra judicial confession to cousin brother Dinesh immediately after commission of offence apparently connects the applicant to the offence in question.

5. The investigation reflects the complete chain of events which connects the applicant's direct involvement in the crime.

6. That being so, no case for grant of bail is made out. The application stands rejected.

7. Liberty to apply afresh after a period of six months.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.