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

**CRIMINAL INTERIM APPLICATION NO. 1901 OF 2023
IN
CRIMINAL APPEAL NO. 602 OF 2023
WITH
CRIMINAL INTERIM APPLICATION NO. 1902 OF 2023
IN
CRIMINAL APPEAL NO. 602 OF 2023**

Sachin Keshav Margaj ... Applicant

vs.

The State of Maharashtra ... Respondents

**CRIMINAL INTERIM APPLICATION NO. 2029 OF 2023
IN
CRIMINAL APPEAL NO. 640 OF 2023
WITH
CRIMINAL INTERIM APPLICATION NO. 2031 OF 2023
IN
CRIMINAL APPEAL NO. 640 OF 2023**

Govind Kishan Waghela ... Applicant

vs.

The State of Maharashtra ... Respondents

Mr. Vishal Rankhambe, Mrs. Aparna Rankhambe, Mr. Gypson
John for the Applicant.

Mrs. P.P. Shinde, A.P.P for the State.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATED : 18th DECEMBER, 2023

P.C. :-

1. Heard learned counsel for the parties.
2. By these applications, the applicants- Sachin and Govind seek suspension of their sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeals.
3. The applicants - Sachin and Govind vide Judgment and Order dated 29th March 2023, passed by learned Additional Sessions Judge, Mumbai, at Greater Bombay in Sessions Case No. 788 of 2015, have been convicted and sentenced alongwith other co-accused as under:-
 - for the offence punishable under Section 302 read with section 149 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs. 5,000/- in default, to suffer simple imprisonment for six months;
 - for the offence punishable under Section 302 read with section 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs.

5,000/- in default, to suffer rigorous imprisonment for six months.

- for the offence punishable under Section 120-B read with section 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs. 5,000/- in default, to suffer rigorous imprisonment for six months.

- for the offence punishable under Section 143 of the Indian Penal Code, to suffer simple imprisonment for six months and to pay fine of Rs. 1,000/- each in default, to suffer simple imprisonment for one month.

- for the offence punishable under Section 144 of the Indian Penal Code, to suffer simple imprisonment for one year and to pay fine of Rs. 1,000/- each in default, to suffer simple imprisonment for one month.

- for the offence punishable under Section 147 of the Indian Penal Code, to suffer simple imprisonment for one year and to pay fine of Rs. 1,000/- each in default, to suffer

simple imprisonment for one month.

- for the offence punishable under Section 324 of the Indian Penal Code.

All substantive sentences shall run concurrently.

4. Learned counsel for the applicants assailed the evidence of the eye-witnesses i.e. PW 1- Gurdip Surendra Singh Nagpal and PW 5- Gaurav Ishwar Gochar. He submitted that the applicants have been falsely implicated in the said case because of the prior enmity between the parties. He further submitted that the deceased-Ganesh Ghadigaonkar was carrying a nail cutter in his hand which has come in the evidence of PW 2-Shekhar Kamlakar Patil, when inquest was done. He stated that applicants are in custody for about 8 and ½ years.

5. Perused the papers. The prosecution case rests entirely on circumstantial evidence. We have perused the evidences of PW 1- Gurdipsingh and PW 5- Gaurav. From a perusal of their evidence, it is evident that they have witnessed the incident which took place on 14th June 2015, in the intervening night of

14-15th June 2015. Both the witnesses have named the applicants. The said evidence is corroborated by PW 10-Dr. Narendra Gangaram Shinde. The said Doctor has conducted post mortem of the deceased- Ganesh. It appears that the deceased- Ganesh has sustained multiple incised injuries as well as multiple stab injuries. The same has been enlisted in the post mortem report in Column no. 17. The cause of death is due to hemorrhagic shock due to head injuries with skull wound fracture with multiple incise wounds; with multiple stab wounds with ruptured vital organs.

6. Considering the evidence as stated above, it is not a fit case to enlarge the applicants on bail. Accordingly, the application is rejected and as such stands disposed of.

7. Since the applicants are in custody for about 8 and ½ years and since paper-book is ready, matter to be listed for final hearing at the end of admission board on **6th February 2024**.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)