

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

**INTERIM APPLICATION NO.3062 OF 2022
IN
CRIMINAL APPEAL NO.1120 OF 2022**

Jalindar @ Mama Bhimrao
Waidande @ Pawar ... Applicant.
Versus
The State of Maharashtra ... Respondent.

Ms Meghna Gowalani, Appointed Advocate for Applicant.

Mr AR Kapadnis, APP for the Respondent-State.

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

DATE : 13 FEBRUARY, 2023.

P.C. :-

This is an application under Section 389(1) of Cr.P.C. seeking suspension of sentence and grant of bail.

2. Accused has murdered the deceased, his wife as he was suspecting her character.

3. In Sessions Case No.70 of 2016, the Applicant came to be convicted for offence under Section 302 of the Indian Penal Code

and is sentenced to undergo life imprisonment.

4. Conviction of the Appellant is based on circumstantial evidence.

5. In the aforesaid background, learned Counsel for the Applicant while trying to make a case for grant of bail, would invite out attention to the nature of offence brought on record through police official. Learned Counsel for the Applicant has invited out attention to the testimony of PW 1-Complainant with whom the Appellant was employed, PW 3-Sanjay, who was called by Shalan at the spot of incident and PW 6-Jayashri wherein according to her, discovery of the appellant on the spot of incident, cannot be disputed. According to the Accused, inquest was drawn on the Police Station which creates serious doubt on the said issue.

6. Learned APP would oppose the prayer for grant of bail and suspension of sentence. Testimonies of PW 1, PW 3 and PW 6, in categorical terms establish presence of the Appellant when the door was knocked by the Investigating Officer and he came out from the house where the deceased was lying.

7. Though there is recovery of axe and blood stained clothes, however, blood group was inconclusive.

8. Be that as it may, there is strong material placed on record in the form of oral evidence as regards presence of Appellant on the spot of incident, as such in the Court below, in light of evidence of aforesaid 3 witnesses, is justified in convicting the Accused.

9. In view of the above, we are of the view that no case is made out for grant of bail.

10. In case, if the Appeal is not heard within a period of one year, as the Applicant/Appellant has undergone more than 6 years of punishment, liberty to move afresh.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]