

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 248 OF 2019****IN****CRIMINAL APPEAL NO. 1334 OF 2019**

Kailas Ramchandra Shejul

... Applicant

**V/s.**

The State Of Maharashtra

... Respondent

Mr. Prahallad Rana Appointed Advocate for Applicant.

Mrs. S. D. Shinde APP, for Respondent State.

**CORAM : A.S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 21<sup>st</sup> FEBRUARY, 2023.****PC. :**

1. This is an Application for suspension of sentence and releasing the Applicant on bail.
2. Applicant has been convicted under Section 302 of the Indian Penal Code (for short "*the IPC*") and sentenced to suffer rigorous imprisonment for life by the learned Additional Sessions Judge, Nashik in Sessions Case No. 48 of 2018 by its Judgment and Order dated 24<sup>th</sup> December, 2018.
3. Heard Mr. Rana, learned Advocate appointed to represent Applicant. Perused notes of evidence.
4. Record indicates that, on 10<sup>th</sup> August, 2017 at about 10.45 p.m. Applicant had entered into bickering with deceased Vishal Zalte on trifle

ground. Hemant Jagtap (PW-3) tried to pacify their bickering however the Applicant was not in a mood to mend his ways. He left the said place which was situated near Khandoba Mandir at Panchsheel Nagar, Nashik. Later on after 10 to 15 minutes the Applicant came at the scene of offence and hurled two blows with an axe on the head of Vishal Zalte. Vishal Zalte fell on the ground instantaneously. PW-3 screamed for help whereupon the people from adjoining locality rushed for help. Vishal Zalte was taken to hospital where he was declared dead prior to admission. The fact that, Applicant assaulted Vishal Zalte with an axe on his head has been duly corroborated by Autopsy Surgeon (PW-1) who noticed following injuries :

- i) Chop wound of size 13 cm x 6.5 cm x 2.5 cm deep over left temporal region of scalp and 9.5 cm from mid line, 3.5 cm from left mastoid involving left pinna with depressed fracture of under lying bone.
- ii) Chop wound of size 13 cm x 3 cm x 1.5 cm was over right temporal region of scalp, 5.5 cm from mid line, over lying right mastoid with depressed fracture of under lying bone.

The axe used in the present crime has been seized and blood stains of human origin were found thereon.

4. Perusal of record indicates that, prima-facie there is sufficient material to indict Applicant in the present crime.

5. In view of the above, we find no reason to suspend the sentence and release the Applicant on bail during the pendency of Appeal.
6. Application is accordingly dismissed.

**(PRAKASH D. NAIK, J.)**

**(A.S. GADKARI, J.)**