



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4230 OF 2023
IN CRIMINAL APPEAL NO. 1117 OF 2023**

Dnyaneshwar Bhimrao Jadhav

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....
Mr. Rajendrraa S. Deshmukh a/w Mr. Vishal A. Chavan i/b Mr.
Devang R. Deshmukh, Advocate for Applicant
Mrs. U. S. Bhosale, APP for Respondent - State

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**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 17.10.2024

PER COURT :

1. This is an Application for suspension of substantive sentence imposed upon the Applicant by the learned Sessions Judge, Jalna District Jalna, vide Judgment and Order dated 07/10/2023, in Sessions Case No.121/2022, convicting the Applicant/Appellant for the offence punishable under Section 302 of IPC.

2. It is the case of Prosecution that, the Applicant had killed his wife at home by using wooden log, scythe and brick. The body was found in their residential house. The Applicant had absconded and was arrested later on. On completion of the investigation, he came to be Charge-sheeted. The learned Trial Court convicted the Applicant by the above referred Judgment and Order.

3. It is submitted by the learned Senior Advocate that, though there are two [2] eye witnesses to the incident, they are not believable. He submits that, the Prosecution could not establish

that the Applicant was present in the house. He submits that, the Applicant is behind the bars since 2022 and therefore, the Application be allowed.

4. The Application is opposed by the learned APP. She submits that, the case is based on testimony of the eye witnesses. The evidence on record goes to establish that, he had killed his wife. The postmortem report shows that, there were in all sixteen [16] injuries on the deceased. She submits that, after the crime, the Applicant had absconded. She submits that, the evidence of eye witnesses has established that, the Applicant and deceased were residing together and there was no third member in their family. Hence, the Application be rejected.

5. We have gone through the paper-book. There is no dispute that, the Applicant was the husband of deceased. The evidence on record goes to show that, deceased was found dead in her residential home. The postmortem report shows sixteen [16] injuries on the dead body. The case is based on the testimony of eye witnesses, who were the neighbourer of the Applicant. In our considered view, this is not a fit case for bail. Hence, the Application is rejected.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer