

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

**INTERIM APPLICATION NO. 1340 OF 2023
IN
CRIMINAL APPEAL NO. 825 OF 2023**

Shivaji Tukaram Mali Applicant
v/s.
The State of Maharashtra Respondent

Mr. Tushar Kochale for the Applicant.
Mr. J.P. Yagnik, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATED : 26th MARCH, 2024.

P. C. :-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) Applicant is convicted for offences punishable under Section 302 of the Indian Penal Code for committing murder of his wife namely Mrs. Meena @ Jyoti Shivaji Mali and under Section 324 of the Indian Penal Code for assaulting his daughter Miss Rohini Mali on 13th June, 2020 in the night at his home.
- 3) Heard learned Advocate appointed to represent the Applicant and learned APP for the State. Perused the record.
- 4) Record indicates that, the Applicant was having suspicion about the fidelity of his wife, as she used to talk with someone from her

mobile phone by using a headphone. Prior to 13th June, 2020 the Applicant had tried to throttle his wife. On the fateful day, the Applicant had quarreled with his wife and he was apprehending that, his wife will run away from his house. Therefore, he assaulted her with a sickle on her throat and other parts of the body. When his daughter, Miss Rohini Mali, who was aged about 11 years tried to intervene, it is alleged that, the Applicant had assaulted on her right hand with the same sickle.

4.1) The said quarrel was heard by the sister of the Applicant who in turn informed the said fact to Arun Mali (PW-2). Arun Mali went to the house of the Applicant and saw that, the Applicant was sitting there and his wife was lying in an injured condition having injuries on her chin and throat. The said injuries were bleeding. He also saw a sickle lying near the body. At that time, the Applicant told PW-2 to bring kerosene to which PW-2 refused and he in turn informed the said fact to the Gramsevak and Sarpanch of that village.

4.2) Dr. Atul Sonawane (PW-8) examined Miss Rohini Mali and gave her necessary medical treatment. He has stated that, Rohini had suffered CLW admeasuring 5x3x1 cm on right forearm and the said injury was within 24 hours when he checked her clinically.

4.3) Dr. Shrawan Gaikwad (PW-10) conducted autopsy on the dead body of Mrs. Jyoti @ Meena Shivaji Mali and found four incised wounds on the left side of face, neck and throat. Perusal of evidence of PW-10 clearly

indicates that, the murder of Meena @ Jyoti Mali was gruesome.

5) After considering the nature of assault on the deceased so also on PW-1, we are of the opinion that, the Applicant does not deserve to be released on bail during the pendency of the Appeal.

5.1) Application is accordingly rejected.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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