

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

**INTERIM APPLICATION NO.2897 of 2023
IN
CRIMINAL APPEAL NO.1022 OF 2023**

Vishwas Janardan Salunkhe

.. Petitioner

vs.

The State of Maharashtra

.. Respondent

Ms. Shraddha Swant, Advocate appointed for the Petitioner.

Mrs. A. A. Takalkar APP for the Respondent-State.

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

DATE : 17th JANUARY, 2024.

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P. C.:-

1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) Applicant is convicted under Section 302 of the Indian Penal Code by the learned Additional Sessions Judge, Barshi in Sessions Case No.122 of 2018 and is sentenced to suffer imprisonment for life, for committing murder of Indrakumar Punjabrao Gaikwad, aged about 10 years, on the date of alleged incident.

3) Perusal of the record indicates that, the case of prosecution is based on circumstantial evidence. The circumstances propounded against the Applicant by the prosecution are that, the Applicant was having

suspicion that, his wife-Jyoti was having illicit relations with the father of deceased- Indrakumar and last seen together.

4) P.W.3, P.W.4 and P.W.5 had seen the Applicant lastly in the company of the deceased between 3.45 pm and 4.00 pm on 23rd February, 2017. P.W.4-Aryan Raosaheb Gaikwad, who is cousin brother of the deceased Indrakumar Gaikwad has deposed that, on the fateful day, he accompanied Indrakumar Gaikwad and the Applicant on motor-cycle of the Applicant for bringing fish from the Bhima Nagar and at a sugar cane juice shop, the Applicant told said witness to get down and stop at the said place. The Applicant forcibly took Indrakumar Gaikwad with him and thereafter did not return. The dead body of Master Indrakumar was found at about 9.00 pm in a sugar-cane field in the village. The said spot was pointed out by the Applicant when he was questioned by the relatives of Indrakumar and police. Thus, *prima facie* there is sufficient material to indict the Applicant in present crime.

5) In view of above, we are not inclined to release the Applicant on bail. Application is accordingly rejected.

6) Registry is directed to communicate this Order to the Applicant, who is undergoing sentence at Yerwada Central prison.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)