

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3188 OF 2023****WITH****INTERIM APPLICATION NO. 3189 OF 2023****IN****CRIMINAL APPEAL NO. 1254 OF 2023**

Jitesh @ Bandu Sampat Murtadak

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Prashant Pandey a/w. Mr. Irfan Unawala & Mr. Dinesh Jadhav i/b. W3
Legal LLP for Applicant/Appellant.

Mr. S.V. Gavand, A.P.P. for Respondent-State.

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

DATE : 22nd January 2024.

P.C. :

- 1) These are applications for suspension of sentence and releasing the Applicant on bail.
- 2) The Applicant is convicted under Section 302 read with 149 and 120B of the Indian Penal Code (for short, "I.P.C.") and is sentenced to suffer imprisonment for life by the trial Court.
- 3) The prosecution case is based on ocular evidence. Nitin Pagare (PW-1) and Archana Nikam (PW-5) are the eye witnesses. PW-5 is the wife of deceased Kiran Nikam. Both the witnesses have categorically deposed that,

on the date and time of incident they saw Applicant along with other accused persons inflicted blows of sickle on the person of Kiran Nikam.

4) *Prima-facie* it appears that, the said two witnesses are fully reliable. The Applicant along with other accused persons alleged to have committed murder of Kiran Nikam in a most dastardly and brutal manner. As per Dr. Anand Pawar (PW-9) the deceased had suffered 101 injuries.

5) After taking into consideration overall view of the evidence, we are of the opinion that, there is sufficient material to indict the Applicant in the present crime.

6) According to us, no case for grant of bail is made out.

7) Both the Interim Applications are accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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