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

**INTERIM APPLICATION NO. 4207 OF 2023
IN
CRIMINAL APPEAL No. 963 OF 2023**

Sariputra Punjaram Shinde

.. Applicant

vs.

The State of Maharashtra

.. Respondent

Mr. Amresh Sharma a/w. Mr. Yogesh Jare for Applicant.

Mr.J.P. Yagnik, APP for the Respondent-State.

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

DATE : 23rd JANUARY, 2024

ORAL ORDER [PER SHYAM C. CHANDAK, J.]

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

2) Heard learned Advocate Mr. Amresh Sharma for the Applicant and Mr. J.P. Yagnik, learned APP for the Respondent -State. Perused the Application and the Memo of Appeal.

3) Learned Advocate for the Applicant vehemently submitted that, the entire prosecution case is based on circumstantial evidence. However, there is no evidence to show that, immediately before the murder of deceased, the Applicant and the deceased were last seen together. The other evidence is not sufficient to convict the Applicant. Hence, the Applicant may be

released on bail by suspending the sentence.

3.1) Learned APP opposed the Application strongly.

4) On careful consideration of the impugned Judgment and the testimony of prosecution witnesses, it revealed that, the deceased was married with the Applicant exactly one year before the incident. Initially, for 2/4 months, the deceased was treated well at her in-law's house. Thereafter, the Applicant was alleging that, the deceased was constantly talking on phone. He was suspecting on her character and used to threaten her to kill her. Therefore, the deceased was fetched to her parental house. At that time the deceased stayed at her parental house for about one and half month. However, on the phone call by the Applicant, the deceased was brought back at the house of the Applicant.

5. The record further indicates that, the deceased was murdered on 3rd May, 2018 at about 4.30 p.m. in the house of the Applicant. Immediately thereafter, Rahul Shinde (PW-3), who is real brother of the Applicant lodged the report that, the Applicant committed murder of the deceased. Similarly, Vaishali Pradhan, who is neighbor and sister of the Applicant, also made a prompt phone call to the relatives of the deceased and informed that the Applicant committed the murder. The above conduct of PW-3 and Vaishali Pradhan is relevant under Section 8 of the Evidence Act. It is not the case

that, there was an animosity between PW-3 and the Applicant. As such, question of PW-3 falsely implicating his real brother i.e. the Applicant in the serious offence of murder, does not arise. The Applicant admitted that he was residing jointly with his relatives.

6. The deceased has been murdered exactly within one year of marriage. It is not a case that, the deceased had animosity with any other person than the Applicant. As such, there is no possibility of any other person committing the murder of deceased. The deceased has been murdered within one week after she was returned to the Applicant. The record indicates that, the Applicant recovered his bloodstained shirt and the knife used in the offence. The police seized the pant on the person of the Applicant. The blood on clothes of the Applicant is matching with the blood of the deceased. No doubt, the blood group of the Applicant and that of the deceased is same. However, it is not the case that, the Applicant had sustained some injury at or around the time of incident. The knife recovered by the Applicant was stained with human blood. The Applicant has not explained these circumstances in his statement under Section 313 of Cr.PC.

7. In view of the above discussions, we are of the opinion that, there is sufficient material on record against the Applicant to indict him in this offence. Undoubtedly, the offence is serious in nature and against woman. In

the backdrop, there is no substance in the Application and the Application is liable to be rejected.

8. Interim Application No.4207 of 2023 is accordingly rejected.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)