

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

**Interim Application No.194 of 2024
In
Criminal Appeal No.882 of 2022**

Smt. Renuka Namdeo Karkare ... Applicant

V/s.

The State of Maharashtra
(through Chiplun Police Station) ... Respondents.

Mr. Amit A. Mane for the applicant.

Mr. Arfan Sait, APP for the State.

**CORAM : SARANG V. KOTWAL
& S.M. MODAK, JJ.**

DATE : 13 January 2025.

P.C. :

This is an application for bail pending appeal. The appellant was the original accused in Sessions Case No.28/2020 before the Additional Sessions Judge, Chiplun. The learned Judge vide his judgment and order dated 29 March 2022 convicted the appellant for commission of offence punishable under Section 302 of IPC and sentenced her to suffer RI for life and pay fine of Rs.10,000/- and in default to suffer simple imprisonment for six months.

2. The prosecution case pertains to the incident dated 29th April 2017 when allegedly the appellant assaulted her daughter-in-law with knife in her house and committed her murder.

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3. Learned counsel for the applicant submitted that the applicant is in custody from 6th May 2017. He has submitted that there is only one eye witness to the incident and her evidence is extremely doubtful. It is not clear as to how she had entered the house of the deceased and the appellant. According to the prosecution she was informed by one of the children of the deceased but her cross-examination suggests otherwise. He submitted that there is no other evidence against the appellant. He further submitted that there is no motive attributed to the appellant and, therefore, it could be a case of lesser offence and not that of murder.

4. Learned APP opposes this submission. He relied on evidence of first informant PW-1 to whom the appellant had made extrajudicial confession. He submitted that there is no infirmity in the evidence of sole eye witness. He also invited our attention to postmortem report.

5. We have considered the submissions. The most important witness in this case is eye witness who is examined as PW-6. She was a neighbour. She deposed that incident occurred on 29 April 2017 at around 9 to 9.30 a.m. The elder son of the deceased-Pari came to this witness's house and informed that the appellant was assaulting deceased. This witness then rushed to their house and actually witnessed the incident wherein the appellant was assaulting the deceased with knife. This witness came out shouting and called the neighbours. Somebody had already informed the police who came at

the spot and then the investigation started.

6. PW-1 was a police Patil. He deposed that after knowing about the incident he went to the house and noticed that deceased was lying in her house. One blood stained knife was lying on the side. The appellant was sitting there. When he enquired with the appellant, she told him that the quarrel took place between both of them on some petty issue. She took a knife from the house and assaulted the deceased.

7. The postmortem report show that the deceased was assaulted in a brutal manner. There were 37 injuries on the chest and there were injuries over other vital organs of the deceased. Thus, there is evidence of the eye witness, of the first informant to whom extrajudicial confession was given and the medical evidence shows that the offence was committed in a cruel manner. There is sufficient material against the applicant. Looking at the nature of the injuries and number of injuries, it is difficult to hold that it would be a lesser offence. Considering all this evidence, no case for bail pending appeal is made out. The bail application is rejected.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)