

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

**INTERIM APPLICATION NO. 2601 OF 2024
IN
CRIMINAL APPEAL NO. 739 OF 2024**

Govind Tukaram Bhagade	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Sachin Chandan for Applicant.
Mr. K. V. Saste, Addl. P. P. for State/Respondent.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 17 JULY 2025

PC :

1. This is an application for bail pending Appeal. The Applicant was convicted by the learned Additional Sessions Judge, Nashik, in Sessions Case No.272 of 2015. The Applicant was convicted for commission of the offence punishable U/s.302 of the I.P.C. and was sentenced to suffer imprisonment for life and to pay a fine of Rs.1000/- and in default to suffer S.I. for two months. He was also convicted for the offence punishable U/s.498A of the I.P.C. and was sentenced to suffer R.I. for three years and to pay a

fine of Rs.500/- and in default to suffer S.I. for one month. He was further convicted for the offence punishable U/s.324 of the I.P.C. and was sentenced to suffer R.I. for two years and to pay a fine of Rs.500/- and in default to suffer S.I. for one month. All the sentences were directed to run concurrently.

2. The incident had taken place on 28.05.2015. The Applicant and his wife were in the house. The Applicant assaulted his wife with sickle and caused her death. He came out of the house in frightened condition. He pelted stone on his neighbour Vimalbai and then ran away. The Applicant's brother and other neighbours went inside the house and they found that Babybai had suffered grievous incised wounds on her neck and hands. She succumbed to injuries. The F.I.R. was lodged and the investigation was carried out. At the conclusion of the trial, the Applicant was convicted and sentenced, as mentioned earlier.

3. Learned counsel for the Applicant submitted that the applicant was suffering from mental illness and in that state of mind he had committed this offence. He further submitted that the

evidence of the eye witnesses is not consistent. There was recovery of weapon and the blood stained clothes, however, the blood group was inconclusive.

4. Learned APP relied on the evidence of PW-2 Vimalbai Gatir and PW-8 Gopal Bhagade. He submitted that there was no record produced by the applicant before the Trial Court to show that he was suffering from mental illness.

5. We have considered these submissions. PW-2 Vimalbai the neighbour and PW-8 Gopal who was the brother of the Applicant have consistently deposed that at the time of the incident they heard the shouts from the house of the applicant. The applicant came out of the house in frightened condition. He was holding something like weapon in his hand and he was trying to hide it. He pelted stone on PW-2 Vimalbai and then ran away. The neighbour PW-2 Vimalbai and PW-8 Gopal went inside the house and found that Babybai was lying in a pool of blood with grievous injuries. This evidence of both these witnesses is consistent. The postmortem notes show that the deceased had

suffered seven incised wounds including three grievous injuries on and around the neck. They were of the size 8" x 3" x 3", 4" x 2" x 1" and 2^{1/2}" x 1" x 1". There were defence wounds on the hand. The cause of death was "Death due to hemorrhagic shock due to neck injuries."

6. Thus, it can be seen that it was a brutal assault. There is strong evidence against the Applicant. As far as, the submission of the learned counsel for the Applicant that he was suffering from mental illness which is admitted by PW-8 Gopal in his cross-examination, is concerned; the applicant has not produced any material in the nature of medical evidence before the Trial Court. PW-8 Gopal had stated that that the applicant had taken the treatment at Nashik, therefore, the applicant could have easily produced the medical reports; but it was not done. At this stage, there is sufficient material against the Applicant. No case for bail is made out.

7. Therefore, the application is rejected. However, considering the applicant is in custody since 2015, the Appeal be

listed on the final hearing board commencing from 18.08.2025;

High on board.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)