

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

**INTERIM APPLICATION NO.5001 OF 2024
IN
CRIMINAL APPEAL NO.1325 OF 2024**

Bajirao @ Babu Damodar Waghmare Applicant

versus

The State of Maharashtra Respondent

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- Mr. Shankar M. Katkar, Advocate for Applicant.
- Ms. Geeta P. Mulekar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.
DATE : 03rd JULY, 2025**

P.C. :

1. This is an application for bail pending Appeal. The Applicant was convicted by the Additional Sessions Judge, Pandharpur, vide his Judgment and Order dated 30/08/2017 passed in Sessions Case No.11/2015 for commission of offence punishable u/s 302 of the Indian Penal Code. He was sentenced to suffer rigorous imprisonment for life and to pay a fine of Rs.4,000/- and in default of payment of fine to suffer rigorous imprisonment for two months.

2. Heard Mr. Shankar M. Katkar, learned counsel for the Applicant and Ms. Geeta P. Mulekar, learned APP for the State.
3. The incident is dated 27/11/2014. The prosecution case is that in the night the Applicant assaulted his wife Rani with a sharp weapon on her throat and committed her murder. The incident was informed to the deceased's brother Tanaji by the Applicant's father. Tanaji lodged his FIR. The investigation commenced. The Applicant was arrested on 27/11/2014 itself.
4. Learned counsel for the Applicant submitted that at the time of incident, the Applicant was not present in the house. The evidence of his father is not reliable. His statement is recorded belatedly.
5. Learned APP submitted that the Applicant's own father has given cogent evidence against the Applicant. Therefore, based on that evidence, the prosecution has proved its case.

6. We have considered these submissions. The FIR is lodged by brother of the deceased. According to the prosecution case, Tanaji's FIR was lodged on 27/11/2014 at 06.50 a.m. at Mangalvedha Police Station, vide C.R.No.237/2014. He had stated that the Applicant and the informant's sister Rani had five daughters. Therefore, the Applicant was not happy. He had grudge against the deceased Rani. On the fateful night the Applicant assaulted her with a sharp weapon. We have perused the evidence of P.W.9 Damodar Waghmare, who is father of the Applicant. He has stated that in the night, the Applicant's wife Rani and their two daughters were sleeping on the first floor. He himself, his wife and other three grand daughters slept on the ground floor. In the night, he heard shouts. He went to the first floor and saw that Rani was lying in the pool of blood. At that time, his son i.e. the Applicant was present at some distance. He also saw a sickle lying on the ground.

This evidence is very clear. The Applicant's father had no reason to implicate him falsely. There was no other person, who could have committed the murder of the deceased Rani.

The Applicant was present near the dead body. Murder weapon was recovered at the spot.

7. This is a strong evidence against the Applicant. The offence is grave and serious. Therefore, we are not inclined to grant bail to the Applicant. However, since the Applicant is in custody since 2014, the Appeal be added to the weekly final hearing board commencing from 18/08/2025, **High On Board**.

8. The application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)