

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1049 OF 2025****WITH****INTERIM APPLICATION NO. 1047 OF 2025****IN****CRIMINAL APPEAL NO. 348 OF 2025**

Bhagwan Bapu Koli

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Limbraj M. Pawar for Applicant.

Mr. Ashish I. Satpute, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.****DATE : 24th November 2025****P.C. :**

1) These are Applications for suspension of sentence and releasing the Applicant on bail, during the pendency of Appeal.

1.1) The Applicant is convicted under Section 302 of the Indian Penal Code (IPC) and sentenced to suffer imprisonment for life with a fine of Rs. 5,000/-, by the learned District Judge-2 and Additional Sessions Judge, Palghar, in Sessions Case No. 15 of 2018, by its Judgment and Order dated 30th March 2024.

2) Heard Mr. Pawar, learned Advocate for Applicant and Mr.

Satpute, learned APP for Respondent, State.

3) The deceased Rekha Koli was the wife of the Applicant. There used to be quarrels between the husband and wife on various counts. It is alleged that, on 11th July 2017, after 5.00 p.m., PW Nos.1, 6 and 8, who are the neighbours of the Applicant heard the Applicant hurling abuses to his wife and she was screaming. The first informant (PW 1) and her husband therefore went to the house of the Applicant. The door of the house was locked from inside. Upon knocking the door, the Applicant opened it, waved a scythe at the direction of PW No.1 and ran away from the scene of offence.

3.1) The neighbours got frightened and called the police. The concerned police from Mumbra Police Station rushed to the scene of offence. The witnesses noticed that, the dead body of Rekha was lying in the house in a pool of blood and there were various injuries on her person.

3.2) Dr. Manoj Shinde, then attached to the Primary Health Centre, Tarapur Dist. Palghar, conducted autopsy on the dead body of Rekha Koli on 12th July 2017. He noticed in all 15 external injuries. Most of the injuries were due to the sharp edged weapon. He gave his opinion in the cause of death as "Hypovolumic shock due to multiple deep sharp cut lacerated wounds generalized all over body with excessive blood loss".

3.3) Perusal of evidence of PW Nos.1, 6 and 8, who rushed to the scene of offence after hearing the screams of deceased Rekha and saw the Applicant opening the door and running away from the scene of offence with

a scythe in his hand, *prima facie* indicates that, their evidence is reliable. In their cross-examination, nothing is brought on record, which would be beneficial to the Applicant. The son of the Applicant and deceased namely Vijay Koli (PW 10), who rushed to the spot immediately after commission of the said offence has been declared hostile by the prosecution. The injuries suffered by the deceased *prima facie* indicate that, the Applicant has committed brutal and gruesome murder of his wife.

4) It is the settled position of law, at the stage of grant and/or rejection of bail Application in Appeal, re-appreciation of evidence on record is not necessary.

4.1) In view of the above, we are not inclined to grant bail to the Applicant at this stage.

5) Applications are accordingly rejected.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)