

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

**INTERIM APPLICATION NO.1093 OF 2025
IN
CRIMINAL APPEAL NO.276 OF 2025**

Sachin Ashok Pawar

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Akshay Bankapur, Advocate for Applicant.
- Ms. Kranti T. Hiwrale, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
ADVAIT M. SETHNA, JJ.
DATE : 21st AUGUST, 2025**

P.C. :

1. This is an application for bail pending final disposal of the Appeal preferred by the Applicant. The Applicant was convicted and sentenced by the learned Additional Sessions Judge, Nashik, vide his Judgment and Order dated 12/02/2025 passed in Sessions Case No.435 of 2022. The Applicant was convicted for commission of the offence punishable u/s 302 of the Indian Penal Code and was sentenced to suffer imprisonment for life and to pay a fine of Rs.5,000/-. The

Applicant was arrested on 27/06/2022 and since then he is in custody.

2. Heard Mr. Akshay Bankapur, learned counsel for the Applicant and Ms. Kranti T. Hiwrale, learned APP for the State.
3. The prosecution case is that the Applicant's wife was in a relationship with PW.6 and therefore the Applicant was suspecting her character. In the night between 26/06/2022 and 27/06/2022, the Applicant committed her murder by inflicting blows with sharp weapon on her throat. He went to Aurangabad and informed the officers of Waluj Police station that his wife was lying in a pool of blood in Nashik. The officers of Waluj police station accordingly informed the police officers of Ambad police station at Nashik, who visited the house of the Applicant. It was locked from outside. They broke open the lock, entered the house and saw that the deceased was lying in a pool of blood. The investigation commenced. The Applicant was arrested. He faced the trial and was convicted by the learned Trial Judge as mentioned earlier.

4. Learned counsel for the Applicant submitted that the learned Judge has relied on the circumstances which do not form a complete chain against the Applicant. The Applicant was not in Nashik since the past three days as is deposed by his landlord. He submitted that another circumstance held against him was recovery of the key, but there was another key to the house and therefore anybody else could have locked it from outside after committing the murder. He submitted that the evidence of the landlord shows that one other person was teasing the Applicant's wife on that day. Therefore, there is a strong possibility that he could have committed this offence. He submitted that the Pancha for recovery had turned hostile. Some tickets were found from the Applicant. The prosecution has not led any evidence to show that those tickets were of the time when the Applicant had supposedly travelled from Nashik to Aurangabad. The tickets were of ST bus. They were in serial numbers and it was not difficult for the prosecution to show connection of his travel on that particular date. The prosecution has failed to do it. Therefore, adverse inference needs to be drawn against it.

5. Learned APP on the other hand submitted that the Applicant has not taken any defence u/s 313 of Cr.P.C. that there was another key which could have been used to put the same lock on the door. She submitted that there is recovery of knife at the instance of the Applicant and more importantly it shows presence of blood group of the deceased. He had informed at Waluj police station about the murder. He has not explained as to how he came to know about the murder.

6. We have considered these submissions. P.W.1 PSI Bidkar was attached to the MIDC Ambad police station. He has deposed that he received information from MIDC Waluj police station that one person had approached their police station and had informed them that his wife was lying in a pool of blood in MIDC, Nashik. The person giving the information was the Applicant. Immediately P.W.1 went to the spot. The house was found locked, but they broke open the lock and found the deceased lying in a pool of blood. The medical evidence shows that the deceased had two cut injuries on the throat and neck.

The first injury was 17 cm x 6 cm x 5 cm. The other one was 9 cm x 2 cm x 3 cm. There were other incised wounds over the hands and palm. In all, there were 8 injuries. All these injuries show the struggle. They were defence injuries. There is evidence of the parents of the deceased showing dispute between the Applicant and his wife.

7. PW.6 was the person with whom the deceased stayed for some days. But the Applicant pressurized the deceased by retaining custody of their daughter. The deceased was forced to go back to reside with the Applicant.
8. The Investigating Officer PW.8 PSI Nimbalkar has deposed about the seizure of keys and bus tickets from the Applicant's possession. Even his blood stained clothes were seized under the Panchanama. The key matched with the lock which was put on the door of the Applicant's house where the deceased was lying dead inside. The murder weapon was recovered at the instance of the Applicant.

9. P.W.10 Onkar Dhongade was a Pancha for the recovery of weapon. The impugned Judgment shows that the blood on the clothes of the Applicant showed blood group as of the deceased. The knife recovered at his instance also showed human blood. All these serious circumstances are brought on record by the prosecution. There is sufficiently strong material against the Applicant, at this stage, for consideration of bail pending his Appeal. No case for grant of bail is made out during the pendency of Appeal.

10. The application is accordingly rejected.

(ADVAIT M. SETHNA, J.)

(SARANG V. KOTWAL, J.)