

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

**INTERIM APPLICATION NO. 1679 OF 2025
IN
CRIMINAL APPEAL NO. 613 OF 2025**

Somnath Jivan Mitra	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Shailesh A. Chavan for Applicant.
Ms. Sharmila S. Kaushik, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
ADVAIT M. SETHNA, JJ.**

DATE : 2 SEPTEMBER 2025

PC :

1. This is an application for bail pending the Applicant's Appeal. The Applicant was convicted by the Sessions Judge, Thane, vide the Judgment and order dated 16.01.2024 passed in Sessions Case No.341 of 2019. 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.

2. The prosecution case is that the applicant was not

working anywhere. He was harassing his mother. On 30.03.2019, his mother Rama found Rs.550/- in his pocket. She accused him of stealing that money. The applicant got angry and he banged her head on the floor by sitting on her. She was seriously injured. The neighbours informed the police. The victim was taken to the hospital. But she succumbed to her injuries. The prosecution examined three eye witnesses in this case i.e. PW-1 Oscar D'Souza, PW-9 Pawandevi Sharma and PW-13 Dilip Raval.

3. Learned counsel for the applicant submitted that the evidence of the eye witnesses is not consistent. They have not spoken about each others presence at the spot. There was no intention to commit murder. It arose out of a sudden quarrel. There are indications that, it could not be a homicidal death but it could be an accidental death.

4. Learned APP relied heavily on the evidence of three eye witnesses and the medical evidence.

5. We have considered these submissions. With the assistance of both the learned counsel, we have gone through the

copies of the depositions tendered by the learned counsel for the Applicant in the Court. The medical evidence is in the form of PW-7 Dr. Abhijit Wankhade. He has described that the deceased had suffered five CLWs and two cut wounds. The CLWs were over the right eye, right side above the right eyebrow, left side above the left eyebrow, over the chin and below the chin. The length of these injuries was between 3cm to 8cm. On internal examination, PW-7 Dr. Wankhade who had conducted the postmortem examination, found multiple contused injuries under the scalp area. There were intra cranial bleed. The cause of death was mentioned as, 'death due to polytrauma to head with intra cranial bleed with hemorrhagic shock due to multiple lacerated wounds in case of homicidal attack'. This evidence itself shows that it was not an accidental death, but it was a homicidal death. There are three eye witnesses at the spot. PW-1 Oskar D'souza had lodged the F.I.R. He has described the incident. According to him, on 30.03.2019 in the morning at about 8:30a.m. after returning from the gym, he was standing at the gate of the building. One lady was shouting. So he went to the first floor and he found the door was partially opened.

He saw a person sitting on the chest of that lady and he was hitting her head on the floor. He locked the door from the outside and went to the police station and informed the police. The police came at the spot and apprehended the person who was hitting the lady. He has further deposed that the lady was shifted to Tembha hospital. He had lodged the F.I.R. He identified the applicant as the same person who had sat on the chest of that lady.

6. PW-9 Pawandevi Sharma was a neighbour. She heard the screams. She went to the room. She saw that the deceased Rama was lying on the floor and the applicant had sat on her back. He was holding her hairs and was banging her head on the floor. PW-9 called his nephew Dilip Raval for help. PW-13 Dilip was her nephew. He has also described the incident in the same manner.

7. At this stage, there is sufficient consistent and direct evidence against the applicant. The offence is serious. No case for grant of bail pending appeal is made out. The Application is rejected.

(ADVAIT M. SETHNA, J.)

(SARANG V. KOTWAL, J.)