

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

**CRIMINAL APPLICATION NO.1106 OF 2015
IN
CRIMINAL APPEAL NO.865 OF 2015**

Rahul N. Jadhav	..Applicant/Appellant
V/s.	
The State of Maharashtra	.. Respondent

Mr.R.V. Pranjape i/by Mr.Nishigandh N. Patil,
for applicant-appellant.
Mr.A.R. Patil, APP for Respondent-State.

CORAM : A. R. JOSHI, J.

DATE :16th SEPTEMBER, 2015.

P.C.

1. On earlier date rival arguments were heard at length on the present application for bail during pendency of appeal and suspension of sentence. That time the matter was adjourned to today's date for getting better particulars from the State as to whether the State has challenged the acquittal of the co-accused for the offence under section 302 of Indian Penal Code and whether the State had preferred any appeal challenging the acquittal of the present applicant-appellant for offence under section 302 of Indian Penal Code. Today learned

APP on instructions from the Officer Mr.P.P. Munde stated that State had not preferred any appeal challenging acquittal under section 302 of Indian Penal Code.

2. The case of the prosecution in nutshell is that there was some quarrel and dispute over the restaurant bill and during that quarrel the present applicant-appellant and his other associate came out of the restaurant/hotel on the relevant night and pelted stones on the hotel counter. One of the stone hit the Manager of the hotel causing him severe bleeding injury. The hotel Manager i.e. victim succumbed to injuries within few hours. Though initially offence was charged under section 302 read with 149 of Indian Penal Code, at the end of the trial, except present applicant-accused no.1, all other accused were acquitted. Moreover, the applicant was not convicted for the offence under section 302 but his conviction was brought down for the offence under section 304(II) of Indian Penal Code. During the trial, the applicant was on bail. For the offence under section 304(II) he is sentenced to suffer RI for 5 years and to pay fine of Rs.5,000/-. Reportedly, fine

amount is already paid. Considering the nature of allegations and bringing the offence from section 302 to section 304(II), in the opinion of this Court, the present applicant can be released on bail during pendency of appeal. The present application for bail is allowed.

3. The applicant be released on same bail as granted by the trial Court with fresh bond to be executed before the trial Court.

(A. R. JOSHI, J)

CERTIFICATE

Certified to be true and correct copy of the original
signed order.