

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 504 OF 2016
IN
CRIMINAL APPEAL No. 276 OF 2016

Satyawan Haridas Chatake. ..Applicant.
Versus
State of Maharashtra. ..Respondent.

Mr. J. D. Mane for the Applicant.
Ms. S. D. Shinde, APP for the State.

Coram : Ranjit More &
G. S. Kulkarni, JJ.
Date : **December 16, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant and the learned APP for the State. By the order dated 30th November 2016, we have admitted the above appeal. The Applicant – Appellant has taken out this application for bail during the pendency of appeal.

2. By the order dated 9th March 2016, the learned Sessions Judge, Solapur convicted the Applicant for the offence punishable under section 302 of the Indian Penal Code, 1860 and sentenced him to undergo life imprisonment and to pay fine of rs.5000/- and in default to suffer R.I. For one year.

3. The prosecution case is that accused – Applicant

drove his TATA motor vehicle bearing No. MH-13 AX 2778 over deceased Rajendra and committed his murder. In support of its case, prosecution examined total 6 witnesses. PW-3 and PW-4 are the eye-witnesses. PW-3 is the complainant and real brother of deceased while PW-4 is the wife of deceased. Both these eye-witnesses have not supported the prosecution case and they have turned hostile. The Applicant is in custody since 18th August 2014. Appeal is not likely to reach for hearing in near future. In these circumstances, we are inclined to suspend the Applicant's sentence and grant bail to him. Application is accordingly disposed of by passing following Order :

ORDER

During the pendency and till the final disposal of above appeal, sentence awarded to the Applicant in Sessions Case No. 320 of 2014 shall remain suspended. The Applicant is directed to be released on bail. The Applicant shall furnish bail bond of Rs.15,000/- and two sureties of like amount. The Applicant shall attend Mohol Police Station on 15th of each month during 10.00 a.m. to 2.00 p.m.. the Applicant shall remain present in this Court at the time of final hearing of appeal.

[G. S. KULKARNI, J.]

[RANJIT MORE, J.]