

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

**CRIMINAL APPLICATION NO.616 OF 2017
IN
CRIMINAL APPEAL NO.745 OF 2016**

Kishor Vilas Ghadge @ Deshmukh Applicant

versus

The State of Maharashtra ... Respondent

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- Mr.S.D. Chavan, Advocate for the Applicant.
- Mrs.M.M. Deshmukh, APP for the State/Respondent.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 24th JULY, 2017.**

P.C. :

1. By the judgment and order dated 20/10/2016 in Sessions Case No.142/13, the learned Additional Sessions Judge convicted the applicant for an offence punishable u/s 302 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life. The applicant thereafter preferred above appeal which is admitted. The present application is taken out for bail during the pendency of the said appeal. There is no

eyewitness to the incident in question and the petitioner is convicted on the basis of circumstantial evidence only. The prosecution mainly relied upon the documents at Ex.21 and Ex.36 and the panchanama of recovery of the stone which is alleged to have been used to kill the deceased.

2. As far as document at Ex.21 is concerned, the deceased has given two names viz. Kishor Deshmukh and Vilas Deshmukh. In document at Ex.36 the deceased has given one name i.e. Kishor. The applicant claims that his name is Kishor Ghadge. Prima facie we find that the prosecution has failed to establish that the applicant and person named in document at Ex.21 and Ex.36 is one and the same person. So far as the panchanama of recovery of stone is concerned, to prove the same prosecution has examined P.W.5 and P.W.7. However, both these witnesses have turned hostile. They have not supported the prosecution case.

3. During the pendency of the Sessions Case the

petitioner was on bail. He was taken into custody subsequent to passing of the impugned judgment and order. The appeal is not likely to reach for final hearing in near future. In such circumstances, in our opinion the applicant is entitled to release on bail. We accordingly dispose off the application by passing following order:

ORDER

- (1) The applicant is enlarged on bail on his furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (2) The applicant shall remain present at the time of final hearing of this appeal.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)