

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1089 OF 2017
IN
CRIMINAL APPEAL NO. 646 OF 2017

Pravin Shrimant Shivsharan and ors.

....Applicants/
Appellants

versus

The State of Maharashtra

.....Respondent

Mr. Jaydeep Mane, advocate for the applicants.

Mr. Y. M. Nakhwa, APP for the State.

CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.

DATE : 13th SEPTEMBER, 2017.

P. C. :

The applicants are the original accused Nos. 1, 2 and 3. By the impugned judgment and order, they are convicted for the offences punishable under Sections 302, 498A and 323 of the Indian Penal Code, 1860 (for short "the IPC") and sentenced to suffer life imprisonment. The above appeal filed by the applicants is already admitted and the present application is for release of the applicants on bail during the pendency of the above appeal.

2. The applicants are husband, brother-in-law and mother-in-law of the deceased Rani. The said Rani died of burn injuries. Initially, charge-sheet was filed for the offences punishable under Sections 306,

498A, 109 and 323 read with Section 34 of the IPC only. However, at the time of framing charge, the offence under Section 302 of the IPC was also added.

3. We have gone through the notes of evidence with the assistance of the learned counsel for the applicants and learned APP. We prima facie find that there is no material to attract provisions of Section 302 of the IPC. The applicants were on bail during the pendency of the trial. The appeal is not likely to reach for final hearing in the near future. We are, therefore, inclined to release the applicants on bail by passing the following order :

1. During the pendency and till the final disposal of the appeal, the applicants be released on bail on execution of a P.R.Bond in the sum of Rs.25,000/- by each applicant with one or two sureties in the like amount to the satisfaction of the trial Court on the following conditions :

- (i) The applicants shall report to the Trial Court viz. the Additional Sessions Judge at Solapur, once in six months and upon failure to report on two consecutive dates, the prosecution would be at liberty to apply for cancellation of the bail.

(ii) The applicants shall remain present before this Court
at the time of final hearing of the present appeal.

4. It made clear that observations herein above are prima facie
and the same are made for the purpose of disposal of this application.

5. The criminal application stands disposed off.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]