

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

**CRIMINAL APPLICATION NO.1088 OF 2018
IN
CRIMINAL APPEAL NO.894 OF 2018**

Vinod Vishnu Bandal

**..Applicant
(Org. Accused No.3)**

Versus

The State of Maharashtra

..Respondent

**Ms. Ragini Ahuja h/f Dr. Yug M. Chaudhary, Advocate for the
Applicant.**

Mrs. S. S. Kaushik, APP for the Respondent - State.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 31st JULY, 2018**

P.C.

1] This is an application for grant of bail and suspension of sentence during pendency of the Appeal.

2] The Applicant/Accused No.3 has been convicted for the offence punishable under Section 302, 394, 201, 411, 419 r/w 34 of Indian Penal Code ("IPC" for short).

3] Heard Ms. Ragini Ahuja learned counsel for the Applicant and Mrs. S. S. Kaushik, learned APP for the Respondent – State.

BGP.

4] The matter was argued at length on the last date. However, the learned APP had sought time to seek instructions with regard to criminal antecedents of the Applicant.

5] Learned APP though vehemently opposes the bail application, fairly concedes that there are no criminal antecedents against the Applicant.

6] The case is entirely based on circumstantial evidence. Only incriminating circumstance that has been found by the learned Trial Judge to have been proved beyond reasonable doubt against the present Applicant is that the camera belonging to the deceased was recovered on memorandum under Section 27 of the Indian Evidence Act. The camera belonging to the deceased has been identified by PW-20 – Somali Dasgupta, sister of the deceased. However, her evidence would reveal that for two years, she has not visited the deceased. Though she has stated that the deceased used to purchase the articles in her presence, the receipt of the said camera has not been produced on record.

7] In that view of the matter, we find that the Applicant

has good case on merits. The Applicant is already in custody for eight years. Taking into consideration this aspect of the matter, we are inclined to allow the application and pass following order :-

ORDER

- I) The Criminal Application is allowed.
- II] The order of sentence is suspended during pendency of the Appeal.
- III] The Applicant is directed to be released on bail on furnishing bail bonds in the sum of Rs.15,000/- with one or more sureties in the like amount.
- IV] The Applicant shall report to Rabale Police Station on first Sunday of every month.

Balaji
Govindrao
Panchal

Digitally signed by
Balaji Govindrao
Panchal
Date: 2018.08.03
10:44:02 +0530

[SARANG V. KOTWAL, J.]

[B. R. GAVAI, J.]