

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [APPA] No.962 of 2018**  
**in**  
**Criminal Appeal No.573 of 2018**

*Sunil Ramchandra Khobragade*

vs.

*State of Maharashtra, through P.S.O. Chimur, District Chandrapur.*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

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*Court's or Judge's Orders*

*Mrs. P.B. Patekar, Advocate (appointed) for the Applicant.  
Shri N.B. Jawade, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE & S.M. MODAK, JJ.**  
**DATE : 10<sup>th</sup> DECEMBER, 2018.**

Heard.

Perused the application and the depositions of the witnesses. We have also considered the medical and forensic evidence.

Upon due consideration given to the evidence brought on record by the prosecution, we find that at this stage, the appellant is not entitled to be released on bail. At this stage, we are of the opinion that ocular evidence, which has appeared on record through the testimonies of PW-3, PW-4 and PW-6, cannot be ignored. Of course, it is submitted by the learned Counsel for the applicant-appellant that after the incident, the appellant was immediately taken into custody giving him no time to make any effort for providing treatment or relief to his wife and as such the conduct of the appellant should not be viewed in an adverse manner. We find that this argument would have to be considered on its own merit at the time of final hearing and at this stage, whatever appears as the first impression upon perusal of the evidence available on

record, would make us believe that this is not a fit case for grant of bail.

The learned Counsel for the appellant has also relied upon the case of Bhagwan Rama Shinde Gosai & others vs. State of Gujarat - AIR 1999 Supreme Court 1859. In this case, it has been observed that, where an appeal is filed against the conviction and sentence awarded is for fixed period of time, the appellate Court can consider the ground of appeal during pendency of the appeal liberally unless some exceptional circumstances are there. It is also observed that if for some reasons bail could not be granted, final hearing of the appeal be expedited. We must say that this is not a case wherein sentence for a fixed period of time has been awarded. The appellant has been given a life sentence. Therefore, in our humble opinion, applying ratio of this case to the instance case would not be possible. However, the appeal would have to be directed to be heard expeditiously.

The application is rejected. The final hearing of the appeal is expedited. Put up after two months for final hearing.

The remuneration to be paid to the learned Counsel appointed for the appellant is quantified at Rs.1,500/- (Rupees One Thousand Five Hundred Only).

**JUDGE**

**JUDGE**

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