

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

CRIMINAL APPLICATION NO. 667 OF 2018

IN

CRIMINAL APPEAL NO. 235 OF 2018

Santosh Rajaram Khandekar ...Applicant

Versus

The State of Maharashtra ...Respondent

Subir Sarkar– Advocate for the applicant.

Ms. P. N. Dabholkar – APP for the Respondent – State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 9th AUGUST 2019.

P.C. :

Charged with the offence under Sections 307 of IPC, the applicant was tried and convicted. The Additional Sessions Judge, District Sangli, in Sessions Case No. 56 of 2015, sentenced the applicant, among other things, to ten years' rigorous imprisonment. As the record reveals, once the crime registered, the applicant was arrested on 9.11.2014. During the trial, he had been in judicial custody. Later once the trial Court delivered the judgment on 2nd February 2018, the applicant has continued to serve the sentence till date.

2. As the applicant's counsel represents, the appellant has already served 4 years and 9 months of 10 years' sentence imposed on him. According to him, if remissions period is reckoned, the

sentence served goes beyond 5 years, that is over 50 %.

3. The learned APP has, however, submitted that the Court may impose suitable conditions to ensure the applicant's presence during the later course of the proceedings before this Court.

4. The applicant has already served a substantial part of the sentence, that is over 50% of the sentence imposed. But this Court is unlikely to take up the appeal immediately. Nor has the applicant any criminal antecedents.

5. As a result, it is a fit case for the Court to suspend the sentence and enlarge the applicant on bail. I do so subject to these conditions:

ORDER

(i) The Criminal Application is allowed.

(ii) The substantive sentence imposed on the applicant is suspended, and he is directed to be released on bail on his executing P.R. Bond for Rs.30,000/- and on his furnishing two sureties for the like amount, by each.

(iii) Pending the appeal, the applicant should not contact the first informant, or any other witness in any manner. Nor should he abuse the liberty granted to him now.

(iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

[DAMA SESHADRI NAIDU, J.]