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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.924 OF 2019
IN
CRIMINAL APPEAL NO.829 OF 2019**

Amol Jibhau Sirsat ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Aniket U Nikam for the Applicant

Mr.J.P.Yagnik, APP for State

**CORAM : RANJIT MORE &
SURENDRA P.TAVADE, JJ.**

DATE : DECEMBER 9, 2019.

P. C. :

. Heard Mr.Nikam for the applicant and Shri J.P.Yagnik, APP for State. The applicant is original accused No.16. In all 27 persons including the applicant herein were charged and prosecuted by the learned Additional Sessions Judge, Malegaon at Malegaon, District Nashik in Sessions Case No.161 of 2006 for the offence punishable under section 302 of Indian Penal Code, 1860. Original accused No.25 expired during trial and rest of the accused except present applicant who is original accused No.16 are acquitted of the charge.

2 By the impugned Judgment and order dated 20.5.2019 learned Additional Sessions Judge, Malegaon has held the applicant herein i.e accused No.16 guilty of the charge for offence punishable under section 302 of IPC and sentenced him to suffer life imprisonment and pay fine of Rs.10,000/-.

3 The appeal filed by the applicant is already admitted and the present application is filed for bail.

4 In order to prove its case, prosecution has examined three eye witnesses viz. P.W.No.1-Ajaysing Daulat Datre, P.W.No.2-Sambhaji Dhansing Datre and P.W.No.4-Pratap Bhila Morkar. P.W.No.2 has not supported the prosecution case. P.W.No.4 though supported the prosecution case, he has not identified the present applicant in the Court. So far as P.W.No.1 is concerned, in his cross examination he has stated that the present applicant chased the deceased along with others and thereafter present applicant first threw chilly power in the eyes of the deceased and thereafter assaulted on his chest by means of sickle.

5 The F.I.R. was registered at the instance of one Supdu Bhila Morka. In the FIR, the name of the present applicant was not disclosed. However, in the supplementary statement, name of the present applicant was mentioned. The present applicant was on bail during the trial. Appeal is not likely to be reached for final hearing in the near future. In the circumstances, we are inclined to grant bail.

6 Therefore, we dispose of the application by passing following order:

- (1) The interim application is allowed.
- (2) The sentences imposed on the applicant/original accused no.16- Amol Jibhau Sirsat by learned Additional Sessions Judge, Malegaon, At Malegaon District Nashik in Session Case No.161 of 2006 vide impugned judgment and order dated 20.5.2019 are hereby suspended.
- (3) The applicant/original accused no.16 be enlarged on bail on executing P.R.Bond in the sum of Rs.25,000/- (Rupees twenty five

thousand) to the satisfaction of the trial Court with one or more solvent sureties in the like amount with a condition that the applicant shall remain present in the Court at the time of final hearing of the Appeal.

[SURENDRA P.TAVADE, J.]

[RANJIT MORE, J.]