

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1415 OF 2017****IN****CRIMINAL APPEAL NO. 854 OF 2017**

Maruti Suresh Pawar

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Amit Mane a/w Mr. Balwant V. Salunkhe for the Applicant.

Mr. Ajay Patil APP for the Respondent-State.

CORAM : A. S. OKA, AND**A. S. GADKARI, JJ.****DATE : 30th JANUARY, 2019.****P.C.:-**

Heard the learned counsel appearing for the Applicant and the learned APP for the Respondent-State.

2 Applicant-Appellant has been convicted by the Sessions Court for the offences punishable under Sections 302 and 504 of the Indian Penal Code and sentenced to suffer life imprisonment. The Applicant has undergone sentence for about 6 years, 8 months and more.

3 After having heard the learned counsel appearing for the Applicant and the learned APP who opposed the Application for grant

of bail, we find that even taking the prosecution case as correct, *prima facie*, it is difficult to accept that the Applicant has intention to kill the deceased. It appears that after noticing the Applicant and his wife had an ongoing fight, the deceased entered the premises and tried to intervene in the quarrel. The Applicant picked up a wooden log in the house and a stone used for grinding spices and assaulted the deceased. According to the prosecution case, he inflicted blow by using wooden log on the head of the deceased and he threw the stone on the legs of the deceased.

4 Considering the fact that very old Appeals are pending in this Court wherein the accused in Jail have already undergone sentence for more than 14 years, this Appeal is not likely to be heard in the near future. The Applicant belongs to poor strata of Society. Hence, a case is made out to enlarge the Applicant on bail subject to stringent conditions. Accordingly, we pass the following Order:-

- a) The substantive sentence imposed upon the Applicant under the impugned Judgment and Order dated 23rd August, 2017 passed by the learned Additional Sessions Judge, Kalyan in Sessions Case No. 225 of 2012, shall stand

suspended till the final disposal of the Appeal;

- b) The Applicant shall be enlarged on bail in the sum Rs.15,000/- with one or two sureties to make the amount;
- c) The bail is granted subject to condition that, the Applicant shall not enter in Shahapur Taluka of Thane District;
- d) There shall be further condition of the Applicant furnishing his detailed address of the place of residence where he proposes to stay after he is enlarged on bail along with his contact telephone/cell phone number to the concerned Jail Superintendent;
- e) The bail is granted subject to further condition that, the Applicant shall report to the concerned Trial Court on first Monday of the months of January and July of every calendar year at 11.00 a.m. till the final disposal of the Appeal;
- f) In the event of any default committed by the

Applicant, the learned Trial Judge shall submit a report to the Registrar (Judicial-I) of this Court who shall place the same before the appropriate Bench;

- g) Application is accordingly disposed of in the aforesaid terms.

(A.S. GADKARI, J.)

(A.S. OKA, J.)