

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1504 OF 2017
IN
CRIMINAL APPEAL NO. 711 OF 2017

Mr.Santosh Nagoji Gudhal.	...	Applicant.
V/s.		
State of Maharashtra.	...	Respondent.

Vikas K. Singh, advocate appointed for the applicant.
Ms.P.P.Shinde, APP for the respondent- State.

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 4th February 2019.

P.C. :

Heard the learned counsel for the applicant. This is an application for bail pending the final disposal of the appeal. The deceased was the wife of the applicant. The applicant was charged with commission of offences punishable under sections 302, 309, 323, 498-A and 504 of the Indian Penal Code (for short "IPC"). The applicant has been convicted for the offence punishable under section 302 of IPC and that he has been acquitted of all other offences against him. As pointed out by the learned counsel appearing for the applicant, the prosecution case is based on extra judicial confession. Taking the case of the prosecution as correct, the extra judicial confession is that in a fit of anger the applicant assaulted his wife by axe and he immediately inflicted an injury to his own stomach by a knife. The prosecution examined

Dr.Pradeep Sharma (PW7) who had examined the applicant on the date of incident. The evidence of PW7 shows that the knife was in the abdomen of the applicant and he himself removed the same before undergoing the surgery. There were stab injuries found on the person of the applicant which were extended up to the intestine.

2. Considering the aforesaid prosecution case and considering the fact that the applicant has undergone sentence for about 5 years, a case is made out for enlarging him on bail.

3. Accordingly, we pass the following order:

ORDER

- (i) The substantive sentence imposed upon the applicant, under the impugned judgment and order, shall stand suspended and the applicant shall be enlarged on bail in the sum of Rs.15,000/-. He shall furnish one or two solvent local sureties in the like amount;
- (ii) The bail is granted subject to the condition that the applicant will report to the concerned trial Court on first Monday of every January and July of every calendar year at 11.00 a.m. till the disposal of the appeal;
- (iii) Application is disposed of on above terms.
- (iv) A copy of this order shall be forwarded to the applicant through the Jail Superintendent of the concerned jail.

(A.S.GADKARI, J.)

(A.S.OKA, J.)