

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

**CRIMINAL APPLICATION NO. 1040 OF 2018
IN
CRIMINAL APPEAL NO. 837 OF 2018**

Adhik Sadashiv Mohite

.. Applicant

Vs.

State of Maharashtra

.. Respondent

Mr. Kuldeep Nikam for applicant.

Ms. Madhavi Mhatre, APP for respondent-State.

CORAM : N.J. JAMADAR, J.

DATE : 16TH JUNE 2020

P.C.

1. Heard the learned counsel for the appellant/applicant and the learned APP for State.

2. The applicant/appellant has been convicted for the offences punishable under section 307 and 452 of the Indian Penal Code, 1860 ('IPC') and sentenced to suffer rigorous imprisonment for seven years and fine of Rs.50,000/- and rigorous imprisonment for three years and fine of Rs.25,000/-, respectively, in Sessions Case No. 166/2014 by the learned Additional Sessions Judge, Sangli by judgment and order dated 4th June 2018.

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3. The applicant claimed that he has been in custody since 12th April 2014. The applicant has undergone the substantive sentence of seven years of rigorous imprisonment, if the remissions earned by the applicant are taken into account. The applicant, however, continued to be incarcerated to undergo the sentence in default of payment of fine.

4. By order dated 2nd June 2020, this Court directed the applicant to deposit a sum of Rs.30,000/-, which was ordered to be paid by way of compensation to the victims. The learned APP was also directed to take instructions regarding the exact period of imprisonment undergone by the applicant.

5. Today, the learned counsel for the applicant submits that the applicant has deposited the compensation amount of Rs.30,000/- before the trial court. The learned APP submitted that as per the record maintained with Prison, the applicant has undergone imprisonment for a term of six years, eight months and fifteen days.

6. Evidently, the applicant has already undergone almost the entire substantive sentence of imprisonment for the major offence punishable under section 307 of IPC. The applicant has also deposited the amount

of compensation.

7. In the prevailing circumstances, there is an imminent risk of being infected with Covid-19 even in prison. It is unlikely that the appeal can be taken up for hearing and decided before the period of imprisonment, which the applicant is sentenced to suffer, expires.

8. In these circumstances, it would be in the fitness of things to release the applicant on bail. Hence, the following order :-

O R D E R

(i) The sentence imposed by the learned Sessions Judge in Sessions Case No. 166 of 2014, which the applicant has yet not undergone, stands suspended till the final disposal of this appeal.

(ii) The applicant Adhik Sadashiv Mohite be released on bail on furnishing a P.R. Bond in the sum of Rs.15,000/- and a surety in the like amount.

(iii) The applicant shall not contact the first informant Ranjana Ajit Kagi, nor cause any

harassment to Asmita Adhik Mohite, injured.

(iv) The applicant shall attend Vishrambag Police Station, Sangli on the first Sunday of January and July, each year, to mark his presence only, till further orders.

(v) The applicant shall not leave India without prior permission of the trial court.

The application stands disposed of.

[N.J. JAMADAR, J.]