

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

***CRIMINAL INTERIM APPLICATION NO. 268 OF 2019
IN
CRIMINAL APPEAL NO. 1310 OF 2019***

Bappu @ Sharnappa Shivanand Dindore	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Satyam H. Nimbalkar for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

MONDAY, 8th MARCH 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

3 The applicant along with other co-accused, vide judgment and order dated 26th November 2018 passed by the learned Additional Sessions Judge, Solapur in Sessions Case No. 217 of 2012, has been convicted and sentenced as under :

- for the offence punishable under Section 307 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 8 years and to pay fine of Rs.3,000/- each, in default of payment of fine, to suffer further rigorous imprisonment for 6 months;
- for the offence punishable under Section 507 r/w Section 34 of the Indian Penal Code to suffer rigorous imprisonment for 2 years and to pay fine of Rs.1,000/- each, in default of payment of fine, to suffer further rigorous imprisonment for 3 months;

Both the sentences were directed to run concurrently.

4 Perused the papers. It is not in dispute that the applicant was on bail pending trial and has not misused or abused liberty granted to him. It is a matter of record that the statements of both the eye-witnesses were recorded, after almost 27 days of the incident. Admittedly, no bullets were found on the spot where the alleged firing took place.

5 The prosecution case is that the applicant fired two rounds on the car, however, no bullets were found on the spot. The

sentences of other co-accused i.e. Chandrakant @ Channu Ramchandra Mali, Mahanteshwar @ Mahantesh Chandrakant @ Kantu Patil and Shivaraya Pandit Bake, have been suspended and they are enlarged on bail.

6 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions:

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of applicant's bail.

7 The application is disposed of accordingly.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.