

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1378 OF 2022****IN****CRIMINAL APPEAL NO. 446 OF 2022**

Rahul Deepak Mane

... Applicant/Original
Accused No.1

V/s.

The State of Maharashtra And Anr.

... Respondents

Mr. Kedar Patil a/w Ms. Gargi Joshi a/w Mr. Jitesh Mundhwa for Applicant.
Ms. S. S. Kaushik, APP for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 5th July 2022.

PC. :

This is an Application for suspension of sentence and releasing the Applicant/Original Accused No.1 on bail.

2. Applicant has been convicted under Section 307 of the Indian Penal Code (for short, "IPC") and is sentenced to suffer maximum rigorous imprisonment of seven years and to pay total fine of Rs.25,000/- by the learned Additional Sessions Judge, Ichalkaranji, District Kolhapur in Sessions Case No.30 of 2017, by its Judgment and Order dated 5th April 2022.

3. Mr. Patil, learned Advocate for Applicant submitted that, the Applicant has already deposited entire fine amount in the Registry of the Trial

Court. He submitted that, during the pendency of the trial the Applicant was released on bail and there is no report of breach of any of the bail conditions imposed upon him.

4. Perusal of record reveals that, there were many eye witnesses at the scene of offence who had participated in the festival of “*Rangpanchamai*”, however the prosecution examined only one eye witness. It appears from the testimony of the Medical Officer (PW.11) that, the injury suffered by the victim was not life threatening and for want of immediate intervention by the Doctors, victim could not have survived. Perusal of the record prima-facie indicates that, the offence alleged against Appellant/Applicant may fall within a purview of Section 325 of the IPC.

5. The maximum sentence imposed upon the Applicant is seven years of rigorous imprisonment. Possibility of hearing the present Appeal on its own merits in near future is remote. Record indicates that, the Applicant was on bail throughout the trial and there is no report of breach of any of the bail conditions imposed upon him.

In view thereof, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

6. Hence, the following Order :-

(i) Applicant/Original Accused No.1 be released on bail

in Sessions Case No.30 of 2017, arising out of C.R. No. 103 of 2017 registered with Shivajinagar Police Station, Ichalkaranji, District Kolhapur, on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount.

- (ii) During the pendency of the Appeal, Applicant is directed to attend Shivajinagar Police Station, Ichalkaranji, District Kolhapur, on every first Monday of the month initially for a period of 1 year and thereafter on every first Monday of every 3rd month, i.e. 4 times in a year.
- (iii) During the pendency of the Appeal, Applicant shall not contact first Informant or victim and threaten them.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]