

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1656 OF 2022
IN
CRIMINAL APPEAL NO. 566 OF 2022

Pradeep Kashiram Khochare ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Shashank C. Mangale for the Applicant.

Mrs. P.P. Shinde, APP for the Respondent -State.

CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.

DATE : 29th JUNE 2022.

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. The applicant, vide judgment and order dated 26th April, 2022

passed by the learned Additional Sessions Judge, Khed, Dist. Ratnagiri in Sessions Case No. 31 of 2015, has been convicted and sentenced for the offence punishable under Section 302 of the Indian Penal Code to suffer imprisonment for life and to pay fine of Rs. 3,000/- in default to undergo further simple imprisonment for three months.

4. Perused the papers. The prosecution case rests entirely on circumstantial evidence. From a perusal of the impugned judgment and order, it appears that the learned Sessions Judge has essentially convicted the applicant, on the premise that the applicant has not offered any explanation regarding the death of his wife- Suvarna. Non explanation would be an additional link/ circumstance, however, that does not absolve the prosecution from proving its case i.e. the circumstances against the applicant beyond reasonable doubt. It is also pertinent to note that the dead body of the applicant's wife was not found in the house, but it was found in the backyard at a distance of 600 meters from the house, and hence it is doubtful, how Section 106 of the Evidence Act can be invoked. It also appears that some of

the witnesses have turned hostile.

5. It also appears that the applicant was on bail, pending trial and that he has not abused or misused the liberty granted to him.

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.20,000/- with one or two 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 bail.

7. The application is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.