

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

**INTERIM APPLICATION NO. 1916 OF 2021
IN
CRIMINAL APPEAL NO. 764 OF 2021**

Dadaso Chandrakant Sathe	... Applicant
Versus	
State of Maharashtra	... Respondent

Mr. P. B. Deo, for the Applicant.
Mrs. P. P. Shinde, APP for the Respondent – State.

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

DATE : 24th 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 his aforesaid appeal.

3 The applicant, vide judgment and order dated 17th July, 2019 passed by the learned Additional Sessions Judge-1, Islampur, District-Sangali in Sessions Case No. 46 of 2017, has been convicted

for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for life and fine.

4 Perused the papers, in particular, the evidence of PW-4 Rutuja Dadaso Sathe, the daughter of the applicant, who at the relevant time was about 7 years of age. From a perusal of the evidence of PW-4 Rutuja Dadaso Sathe, it appears, that she has supported the prosecution case, in the examination-in-chief, however, in the cross-examination she has stated to the contrary. In the cross-examination, in particular, para 6, the said witness has stated that she do not know what happened in the house, as she had gone to the neighbour's house, which was adjacent, to watch TV. She further stated that her grandparents at Belgaum were usually telling her, that her father (applicant) had killed her mother. There is no re-examination of the said witness by the prosecution, on this aspect. PW-4 is the only material witness.

5 The applicant is in custody since 08/09/2017. The appeal has been admitted vide order dated 13/09/2021 and the same is not

likely to be heard in the immediate near future.

6 Considering the evidence on record, 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 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 bail.

7 The application is accordingly disposed of.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.