

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

***INTERIM APPLICATION NO. 572 OF 2022
IN
CRIMINAL APPEAL NO. 104 OF 2022***

Arjun Ananda Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Akshay Bankapur for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent–State

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.
THURSDAY, 16th 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 25th November 2021 passed by learned Sessions Judge, Nashik, in Sessions Case No. **281/2017**, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/- in default, to suffer simple rigorous imprisonment for three months. In addition, the applicant has been convicted for the offence punishable under Section 201 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.500/-, in default, to suffer simple imprisonment for one month. Both the aforesaid sentences were directed to run concurrently.

4 Perused the papers. The prosecution case rests entirely on circumstantial evidence, the circumstances being motive, last seen together and recovery of a wooden log at the instance of the applicant.

5 As far as the evidence of motive is concerned, the prosecution has examined PW 1 – Mahadu Amruta Udar (father of the deceased) and PW 4 – Asha Arjun Pawar (daughter of the deceased). According to the

said witnesses, the applicant would assault his wife (deceased) as he was suspecting her character. As far as the evidence of last seen together is concerned, the same is deposed to by PW 4 (daughter of the appellant and the deceased). A perusal of the evidence of PW 4 shows that she saw the applicant and her mother i.e. deceased leaving the house in the morning; after which, only her father returned in the evening, without the mother. The dead body of the deceased was found on 8th May 2017, after 3 days.

6 As far as recovery is concerned, the wooden log is alleged to have been recovered at the instance of the applicant. The said wooden log is not blood stained. It is not in dispute that the applicant was on bail pending trial. There is nothing to show that the applicant, whilst on bail, has abused or misused the liberty granted to him. The appeal of the applicant was admitted by this Court vide order dated 3rd March 2022. The said appeal is not likely to be heard in the immediate near future.

7 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.

8 The Application is accordingly disposed of.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.