

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

***CRIMINAL INTERIM APPLICATION NO.1234 OF 2021
IN
CRIMINAL APPEAL NO.20 OF 2021***

Kailas Kisan Shedge	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket U. Nikam, for the Applicant.
Mr. A. R. Kapadnis, A.P.P for the Respondent – State.

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

DATE : 23rd JUNE 2022

P.C. :

1. Heard learned counsel for the parties.
2. By this interim 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 9th March 2020 passed by learned Additional Sessions Judge-8, Pune, in Sessions

Case No.550 of 2011, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to undergo imprisonment for life and to pay fine of Rs.5,000/- in default, to suffer further rigorous imprisonment for two months.

4. Learned counsel for the applicant submits that there is no evidence on record, direct or circumstantial, which points to the complicity of the applicant.

5. Perused the papers. The prosecution case rests essentially on PW6 i.e. Vinayak Ashok Ghosh, son of deceased – Sunita. A perusal of the evidence of PW6 shows that he has supported the prosecution case, in the examination-in-chief, however, in the cross-examination, in particular in paragraphs 6, 7 and 11, he has stated to the contrary. There is no re-examination by the prosecution with respect to what was stated by the said witness in his cross-examination. Apart from the said evidence, *prima facie*, there is no other evidence that has come on record pointing to the complicity of the applicant.

The applicant is in custody since 14th March 2011 i.e. for about 11 years. The appeal of the applicant has been admitted by this Court vide order dated 21st October 2021.

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 the aforesaid appeal, on the following terms and conditions :-

ORDER

- i) The applicant be released 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 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 disposed of on the aforesaid terms.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.