

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

***CRIMINAL INTERIM APPLICATION NO.1228 OF 2022
(THROUGH JAIL)***

***IN
CRIMINAL APPEAL NO.380 OF 2016***

Santosh Madhavrao Chavan	...Applicant
Versus	
The State of Maharashtra	...Respondent

None for the Applicant.

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 17th AUGUST 2022

P.C. :

1. This is an application, sent by the applicant through jail. The said application is dated 18th February 2022. In the said application/letter, sent through jail, the applicant has stated that his sentence was suspended and he was enlarged on bail by this Court (Coram: Naresh H. Patil & Prakash D. Naik, JJ.) vide order dated 22nd August 2016, on furnishing P.R. Bond of Rs.25,000/- with one

surety in the like amount. He has stated and he is not in touch with anyone outside the jail and hence despite his sentence being suspended and he being enlarged on bail, pending the hearing and final disposal of his aforesaid appeal, he is unable to furnish bail. He has further stated that if he is released on personal bond or on cash bail for a period of 10 to 15 days, then he will comply with the order dated 22nd August 2016 i.e. of furnishing one surety.

2. Perused the papers. The applicant has been convicted and sentenced to life imprisonment, for the offences punishable under Sections 302, 201 and 120-B of the Indian Penal Code, alongwith two other accused. This Court vide order dated 29th June 2016 admitted the applicant's appeal and vide order dated 22nd August 2016, the applicant's sentence was suspended and he was enlarged on bail. The operative part of the said order dated 22nd August 2016, reads thus:-

“:: ORDER ::

- (i) *The application is allowed;*
- (ii) *Pending hearing and final disposal of the appeal, the*

substantive sentence awarded against the applicant in Sessions Case No.652 of 2014 by the Additional Sessions Judge, Pune stands suspended;

(iii) Pending hearing and final disposal of the appeal, applicant – Santosh Madhavrao Chavan is directed to be released on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.”

3. Despite the order suspending the applicant's sentence and enlarging him on bail in August 2016, the applicant has not been able to avail of the said bail granted to him, for six years, for the reasons set out in the application.

4. Considering the aforesaid, we allow the application and modify the order dated 22nd August 2016, to the extent as stated hereinunder:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount;

- ii) Presently, the Applicant be released forthwith on furnishing P.R. Bond in the sum of Rs.15,000/- for a period of two months;
- iii) The Applicant shall within the said period of two months of furnishing P.R. Bond in the sum of Rs.15,000/-, shall furnish one surety in the like amount, within the said period;
- iv) Learned APP to forthwith communicate the aforesaid order to the Superintendent of Yerwada (Open Prison), Pune, by fax;
- v) The Superintendent of Yerwada (Open Prison), Pune, shall thereafter, produce the applicant before the concerned Court, to enable the applicant to furnish P.R. Bond in the sum of Rs.15,000/-;
- vi) The Applicant shall report to the trial Court, initially once every month on the day/date specified by the trial Court, for three months and thereafter, once in three months, till his Appeal is finally disposed of.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. Stand over to 26th August 2022, for recording compliance of the aforesaid order.

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

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.