

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

***INTERIM APPLICATION NO.2281 OF 2022
AND
INTERIM APPLICATION NO.2282 OF 2022
IN
CRIMINAL APPEAL NO.703 OF 2022***

Manoranjan @ Rakhal Sidheshwar
Mohakud Applicant

Vs.

The State of Maharashtra Respondent

Mr. Deepak V. Dere a/w. Ms. Khushboo Agarwal for the
Applicant
Mrs. M. M. Deshmukh, APP for Respondent-State.

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

DATE : 18th AUGUST 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 31st May 2022, passed by learned Additional Sessions Judge, Kalyan in Session Case No. 225 of 2016, has been convicted and sentenced as under:-

- for the offences punishable under section 302 of the IPC, to suffer imprisonment for life and for the offence punishable under section 452 of the IPC, to suffer rigorous imprisonment for two years. Both the sentences were directed to run concurrently.

4. Perused the papers with the assistance of the learned counsel for the respective parties. Admittedly, the prosecution case rests on circumstantial evidence. The only circumstance as against the applicant is an alleged extra judicial confession made by the applicant to PW-2-Gopal. According to the extra judicial confession, the applicant is alleged to have disclosed to the said witness that the deceased had cut his right wrist and he had slit the deceased's neck. Whereas, it is the prosecution case that, after the applicant slit the deceased's throat, the applicant attempted to commit suicide by cutting his wrist and also by consuming phenyl. Apart from the aforesaid evidence, *prima facie* there is no other

evidence to connect the applicant with the offence. The applicant is in custody since 24/3/2016. The appeal has been admitted vide order dated 25/7/2022 and the same is not likely to be heard in the immediate near future.

5. Considering what is observed hereinabove, 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.15,000/- 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.

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

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

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.