

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2337 OF 2022****IN****CRIMINAL APPEAL NO. 788 OF 2022**

Somnath Phulaji More

...Applicant/Appellant

Versus

The State Of Maharashtra

...Respondent

Mr. Aniket Vagal with Kunal Pednekar, Mr. Divesh Mehani, Advocate for Applicant/Appellant.

Mrs. M. H. Mhatre, APP for Respondent-State.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 8th DECEMBER, 2022.

P.C.:-

. This is an application for suspension of sentence and releasing the Applicant/Appellant on bail.

2. Heard Mr. Aniket Vagal, learned advocate for Applicant/Appellant and Mrs. Mhatre, learned APP for the State. Perused notes of evidence.

3. The name of the deceased is Atmaram Namdeo Suryawanshi. The date of incident is 13th August, 2013 between 5:00 pm to 14th August, 2013 at about 06:30 am. The body of deceased was found in the agricultural field of PW-5 Sadashiv Shelke by the said witness.

4. The prosecution case is based on the circumstantial evidence. The deceased was father-in-law of the Applicant. Perusal of evidence of PW-1 Vijay Barde i.e. son-in-law of deceased, PW-6 Nayana @ Aruna Somnath More, wife of Appellant/Applicant and PW-10 Tanhubai Suryawanshi wife of deceased would *prima facie* indicate that, on 13th August, 2013, the Applicant/Appellant had been to the house of the deceased. He demanded Rs.50 from PW-10 for consuming liquor. He also quarreled with deceased on the ground, as to why deceased was not sending his wife to cohabit with him. The deceased therefore told Applicant that, he should bring 4 respectable persons from his side and then only he would send his daughter i.e. wife of Applicant for co-habitation. That, the Applicant left said place in anger. The dead body of deceased was noticed by PW-5 at about 06:30 am on 14th August, 2013. The weapon used in the present crime i.e. sickle was found lying near the dead body itself. Record *prima facie* indicates that, there were no blood stains found on the clothes of the Appellant/Applicant.

5. In view of the above, during the pendency of the present Appeal substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

Hence the following order:

- (i) The Applicant be released on bail in connection with C.R. No.I-124 of 2013 registered with Wavi Police Station, District

Nashik on his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.

- (ii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Wavi Police Station, District Nashik on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of three years and thereafter on every first Monday of the every 3rd Month i.e. four times in a year between 10:00 am and 12:00 noon.
- (iii) Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)