IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2787 OF 2022
IN
CRIMINAL APPEAL NO.843 OF 2022

Chirag Raju Kamble & Ors. .... Applicants

versus

State of Maharashtra .... Respondent

.....

- Mr. Balwant V. Salunkhe, Advocate for Applicants
- Smt. J. S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th AUGUST, 2022

P.C. :

1. The Applicants were the original accused Nos.1, 2 and 3 in Sessions Case No.43 of 2014 on the file of Additional Sessions Judge, Pune. They are convicted for the commission of offence punishable u/s 307 r/w 34 of the Indian Penal Code. They were sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.25,000/- each, in default of payment to suffer simple imprisonment for one month. They were acquitted of the offences punishable u/s 504 r/w 34 of the Indian Penal

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Code. They were granted set off u/s 428 of Cr.P.C. Apart from the Applicants, there was 4th accused who was similarly convicted.

2. Heard Mr. Balwant V. Salunkhe, learned counsel for the Applicant and Smt. J. S. Lohokare, learned APP for the State.

3. Learned counsel for the Applicant submitted that the Applicants were on bail during trial. They have not misused their liberty. Apart from the victim Yuvraj Godse, the prosecution examined three eyewitnesses i.e. P.W.5, P.W.7 and P.W.8. All the eyewitnesses turned hostile. The medical evidence also does not support the case of the prosecution u/s 307 of the IPC.

4. Learned APP opposed this application. She submitted that evidence of Doctor examined as P.W.6 shows that the victim had suffered many injuries and therefore the offence was serious.

5. I have considered these submissions. The sentence imposed on the Applicant is 7 years. The Appeal is not likely to be heard within a reasonable period. Apart from this, another important feature in this case is that the Medical Officer P.W.6 Dr. Baburao Dinkar Melkunde has categorically stated that all the nine injuries suffered by the victim P.W.1 were simple in nature. There were injuries on abdomen, thigh, right leg, head and chest. All these issues will have to be decided during final hearing stages. However, since Doctor has opined that the injuries were simple in nature and since the Applicants were on bail during trial, I am inclined to grant bail to the Applicants during pendency and final disposal of the Appeal.

6. Hence, the following order :

ORDER

(i) During pendency and final disposal of the Criminal Appeal No.843 of 2022, the Applicants are directed to be released on bail on their

furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each in the like amount.

(iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)