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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2820 OF 2021

IN

CRIMINAL APPEAL NO.951 OF 2021

Rohit Devendra Khot] .. Applicant

vs.

The State of Maharashtra] .. Respondents

Mr.Vinod Kashid, for Applicant.

Mrs.G.P. Mulekar, APP for State.

CORAM : S.S.SHINDE &
N.R.BORKAR, JJ

DATE : 4TH FEBRUARY 2022

P.C.

1] This application is filed by the applicant for suspension of sentence and releasing him on bail during the pendency of the Appeal. The applicant inter-alia came to be convicted by the learned Sessions Court, Dindoshi, vide Judgment and order dated 20.11.2021 in Sessions Case No.210 of 2015, for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for life.

2] The learned counsel for the applicant invited our attention to the notes of evidence. He submits that evidence of alleged injured witnesses is not consistent. He submits that this court has already released the co-accused on bail. It is submitted that the applicant has already undergone more than 6 years of the sentence. Hence, he prays that the sentence be suspended and the applicant be released on bail.

3] On the other hand, the learned APP submits that specific overt act is attributed to the present applicant. She submits that considering the nature of offence for which the applicant came to be convicted, the sentence may not be suspended and the applicant may not be released on bail.

4] This Court has already released the co-accused on bail. The fact that the applicant has already undergone more than 6 years of sentence is not disputed. The appeal is not ready for hearing.

5] Considering the above facts and circumstances, we are inclined to suspend the substantive sentence and to release the applicant on bail. In the result, following order is passed :

i] Interim Application is allowed.

ii] The substantive sentence of imprisonment imposed on the present applicant by the trial Court in Sessions Case No. 210 of 2015 , is hereby suspended during the pendency of the Appeal.

iii] The applicant i.e. Rohit Devendra Khot shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/- and one surety in the like amount.

iv] The applicant shall attend the concerned Police Station in whose jurisdiction he is going to reside after his release, once in two months i.e. on first Monday of even month between 11.00 a.m. to 1.00 p.m.

v] The applicant shall not leave India without prior permission of this court.

vi] Interim Application stands disposed of.

[N.R.BORKAR, J]

[S.S.SHINDE,J]