

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

***INTERIM APPLICATION NO. 2988 OF 2021
IN
CRIMINAL APPEAL NO. 644 OF 2021***

Dnyaneshwar @ Mauli Pandharinath Zambare ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Rebecca Gonsalves i/b Dr. Yug Mohit Chaudhry for the Applicant

Mrs. J. S. Lohakare, A.P.P for the Respondent–State

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.
THURSDAY, 9th JUNE 2022**

P.C. :

1 Heard learned counsel for the parties.

2 By this interim application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

3 Perused the papers. The prosecution case rests entirely on the circumstantial evidence. As far as circumstances are concerned, it appears that nothing was recovered at the instance of the applicant to connect him with the alleged offence. As far as recovery of applicant's blood stained clothes are concerned, the result was inconclusive. None of the witnesses have identified that the said clothes were worn by the applicant at the time of the alleged incident. Similarly, there is no recovery of any ornaments at the instance of the applicant. Neither is there any last seen evidence. The only evidence is that of the extra judicial confession allegedly made by the applicant to PW 9-Saurabh @ Mahesh Shendge. It will be difficult to place reliance on the said extra judicial confession, in the absence of any corroboration. The applicant is in custody since 11th December 2013 i.e. for about 8½ years - 9 years.

4 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the aforesaid appeal, on the following terms and conditions :

ORDER

- i) The applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local 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 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.

5 The application is disposed of on the aforesaid terms.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.