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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3431 OF 2021
IN
CRIMINAL APPEAL NO.1067 OF 2021
ALONGWITH
CRIMINAL APPEAL NO.1067 OF 2021

Mr.Mangesh Atmaram Band	]	..	Applicant
vs.			
The State of Maharashtra	]	..	Respondents

Mr.Sandesh V. More for Applicant.

Ms.G.P. Mulekar, APP for the State-Respondent.

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

DATE : 15TH FEBRUARY 2022

P.C.

1] This application is filed by the appellant in Criminal Appeal No.1067 of 2021 for suspension of sentence and to release him on bail during the pendency of the Appeal.

2] The applicant inter-alia came to be convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life.

3] The learned counsel for the applicant submits that the evidence of the alleged eye witnesses is not consistent. It is submitted that there are lot of omissions and contradictions in the evidence of alleged eye witnesses. It is further submitted that the prosecution has not examined the sister of the deceased, who allegedly intimated to PW 1 about the incident in question. He prays that the sentence may be suspended and the applicant may be released on bail.

4] On the other hand, the learned APP submits that there are eye witnesses to the incident and their evidence is consistent. It is submitted that the medical evidence would show that the deceased was brutally murdered. She submits that considering the nature of offence the sentence may not be suspended and the applicant may not be released on bail.

5] We have perused the evidence on record. All the eye witnesses have attributed specific role to the present applicant and prima facie the evidence of all the eye witnesses appears to be consistent. Admittedly, the applicant was not on bail during the trial.

6] Considering the above facts and circumstances, we are not inclined to suspend the sentence and release the applicant on bail. Hence, following order is passed :

- i] Interim application is rejected.
- ii] Hearing of the Appeal is expedited.
- iii] The trial Court is directed to send Record and Proceedings within 8 weeks from today.
- iv] Liberty is granted to move for early hearing of the appeal after receipt of record and proceedings.
- v] The appellant is at liberty to file private paper book.

[N.R.BORKAR, J]

[S.S.SHINDE,J]