

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

INTERIM APPLICATION NO.3871 OF 2022
IN
CRIMINAL APPEAL (STAMP) NO.18804 OF 2022

Rajendra Tukaram Chaudhary	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Sushan Mhatre, appointed advocate for Applicant.
Mrs.S.D.Shinde, APP, for State.

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

DATE : 15th December 2022

PC :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. The applicant has been convicted under Section 302 of Indian Penal Code for commission of murder of Sachin Laxman Patil on 12th October 2013 after 8.00 p.m.
3. Heard Mr.Mhatre, learned Advocate appointed to represent Applicant and Smt.Shinde, learned APP. Perused the record produced before us.
4. The record prima facie indicates that though it is alleged that, the Applicant has committed murder of Sachin Laxman Patil on 12th October 2013; the Applicant kept his body inside the tempo where

he was sleeping/residing and set it ablazed. The remnants of bones of deceased were recovered from truck. The bones did not tally with the DNA profile of father of Sachin Patil. It further prima facie appears to us that, case of prosecution is ambiguous about whose murder the applicant has actually committed. Perusal of points framed by Trial Court for its determination clearly indicate that, the prosecution has come up with a specific case that Applicant has committed murder of Sachin Patil. The Applicant is in jail since October 2013 and has undergone approximately more than 9 years incarceration. That, there are no antecedents at the discredit of Applicant.

5. In view of the above, during pendency and final disposal of present appeal, the substantive sentence imposed upon the applicant can be suspended and he can be released on bail.

6. Hence the following order :

(i) During the pendency of present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on his executing P.R bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

(ii) After his release from jail, the Applicant shall attend Yavat Police Station, District Pune on every first Monday of the month between 10.00 a.m and 12.00 noon initially for a period of

one year and subsequently on every first Monday of every 3rd month
i.e. 4 times a year between 10.00 a.m and 12.00 noon;

(iii) If the Applicant commits two consecutive defaults in
complying with condition no.(ii) above, the provisions for
cancellation of bail granted by this Court would attract.

7. Interim Application is allowed in the above terms.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST