

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

**INTERIM APPLICATION NO. 3912 of 2022
IN
CRIMINAL APPEAL NO. 1145 of 2022**

1. Govind Tolaram Rathod	
2. Sham @ Shamrao Shankar Chavan	
3. Sachin Shamrao Chavan	
4. Sagar Shamrao Chavan	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Viresh V. Purwant for Applicants.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th NOVEMBER 2022

PC :

1. The Applicants are seeking their release on bail during pendency and final disposal of Criminal Appeal No.1145 of 2022 which they have filed against the Judgment and order dated 12/10/2022 passed by learned Additional Sessions Judge, Solapur in Sessions Case No.346 of 2016. At the conclusion of the trial, the Applicants were convicted for commission of offence punishable under section 307 r/w. 34 of the I.P.C. and were sentenced to suffer R.I. for 3 years and to pay a fine of Rs.1000/- and in default

of payment of fine to suffer S.I. for one month. They are acquitted from the Charges of commission of offence punishable under sections 504 and 506 r/w. 34 of the I.P.C. There were two more accused i.e. accused Nos.5 and 6 who were acquitted of all the Charges.

2. Learned counsel for the Applicants submitted that the Doctor who had issued the Medico Legal Certificate i.e. Dr. Mujawar is not examined by the prosecution. The Medico Legal Certificate issued by him does not corroborate the evidence of PW-5 Dr. Dantkale. There is major discrepancy in the medical evidence. He further submitted that the offence U/s.307 of the I.P.C. is not made out.

3. Learned APP submitted that the accused had tried to strangle PW-2 the victim and there was a strangulation mark mentioned in the Medico Legal Certificate. However, the State has not preferred any application for enhancement of sentence. The sentence is of three years and the Appeal is not likely to be decided within that period. The issues raised by Shri. Purwant will have to

be decided at the final hearing stage of the appeal; which is already admitted. The applicants were on bail during pendency of the trial and subsequent to their conviction they were granted bail by the trial Court U/s.389 of the Cr.p.c. There are no allegations that the applicants have misused that liberty. Considering all these aspects, the applicants can be released on bail pending their appeal.

4. Hence, the order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No. 1145 of 2022 the applicants are directed to be released on their executing P. R. Bond in the sum of Rs.30000/- each with one or two sureties each in the like amount.
- ii) The application is disposed of.

(SARANG V. KOTWAL, J.)