

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

**INTERIM APPLICATION NO. 199 OF 2019
IN
CRIMINAL APPEAL NO. 1038 OF 2019**

Aakash Kisan Bhalerao ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Shailesh D. Chavan a/w Jitendra Sawant and Sangram Kate, for
the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 15th JUNE 2022.

P. C. :

. Heard learned Counsel for the parties.

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

3 The applicant, vide judgment and order dated
25/06/2019 passed by the learned Additional Sessions Judge, Khed-
Rajgurunagar, Dist-Pune in Sessions Case No.306 of 2014, has been

convicted and sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.10,000/-, in default, to undergo further rigorous imprisonment for one year.

4 The prosecution case rests entirely on circumstantial evidence. From a perusal of the statement of PW-3 Santosh Vishwanath Karbhari, the owner of hotel, it appears that the incident had taken place at about 10-30 p.m., however, his evidence does not throw light, on who had shot the deceased. Infact, the said witness in his cross-examination has stated that a pistol was seized from the spot whereas, according to the prosecution, the said pistol was recovered at the instance of the applicant. Admittedly, the CCTV footage was not produced by the prosecution. It is the case of the prosecution, that the incident took place on 21/07/2013 in the hotel of PW-3 and that in the scuffle which took place, between the applicant and co-accused on one hand and the deceased on the other, the applicant shot the deceased with the pistol. There are no eye witnesses to the incident. It also appears that there are several discrepancies in the evidence that has come on record. The applicant is in custody since 22/07/2013.

5 Considering the evidence on record and since the applicant is in custody since July, 2013, we allow the application and accordingly, suspended the applicant's sentence and enlarged him on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :-

ORDER

I) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

ii) The applicant shall report to the trial Court, once in four 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 his 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.

6 The application is accordingly disposed of.

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

V. G. BISHT, J.

REVATI MOHITE DERE, J.