

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

**INTERIM APPLICATION NO.432 OF 2023
IN
CRIMINAL APPEAL NO.285 OF 2016**

Vitthal Annappa Hubale
Aged about 32 years,
Presently at Kolhapur Central Prison
Otherwise a permanent resident of
Nangole, Taluka-Kavathemahankal Applicant/ Org.
District-Sangli, Maharashtra Accused No.2.

Versus

The State of Maharashtra
Kavathemahankal Police Station,
Sangli) ... Respondent.

Ms Shifa Khan, Advocate i/by Dr. Yug Mohit Chaudhary, for the
Applicant.

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

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 8 FEBRUARY 2023.

Order (Per R.N.Laddha,J.) :-

. This is an Application for suspension of sentence and release
of the Applicant on bail.

2. The Applicant, who is Accused in Sessions Case No.198 of 2013, was charged and tried by the learned Additional Sessions Judge, Sangli, for the commission of offence punishable under Sections 302, 364, 341, 342, 504 r/w Section 34 of the Indian Penal Code. The trial Court, by the impugned Judgment and Order, convicted the Applicant along with co-accused inter alia for the offence punishable under Sections 302 r/w 34 of the Indian Penal Code and sentenced him to suffer life imprisonment.

3. It is the case of the prosecution that on 10.7.2013, all the Accused, in furtherance of their common intention, committed murder of Umaji Shripati Bhanare.

4. Dr Mr Yug Mohit Chaudhry, the learned Counsel appearing on behalf of the Applicant, submitted that by an Order dated 2.1.2023 in Criminal Application No.382 of 2019, the co-accused Shahaji Shripati Bhandare was granted bail by this Court. He submitted that the present Applicant is identically situated as co-accused Shahaji. It is submitted that the Applicant has been languishing in jail since last 9 years. The weapons used in the commission of the crime are bamboo sticks. It is submitted that the prosecution has deliberately not examined one Shankar Bandgar the alleged eyewitness who took the deceased to the hospital and spoke with him after the incident.

5. Mrs G.P.Mulekar, learned APP for the State, submitted that there is sufficient evidence against the Applicant. It is submitted that the deceased was brutally murdered, and thus, the Application may be rejected.

6. It is not in dispute that the co-accused Shahaji Bhandare is already enlarged on bail by this Court. The learned APP does not dispute that the role of the present Applicant is identical with that of the co-accused Shahaji. It is also not in dispute that the Applicant is behind bar from 10.7.2013. Considering these facts, the case for grant of bail is made out. The Application is accordingly, allowed in the following terms.

-Order-

- a) During the pendency of the present Appeal, a substantive sentence imposed upon Applicant is suspended, and he be released on bail, on the execution of a PR Bond of Rs.25,000/-, with one or two solvent sureties in the like amount, to the satisfaction of the learned trial Court.
- b) The Applicant shall remain outside the revenue jurisdiction of the Taluka and place of the incident.
- c) The Applicant shall not give threats to the complainant or other witnesses in the matter.

7. Interim application stands disposed of.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]