

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

INTERIM APPLICATION NO.1520 OF 2022
IN
CRIMINAL APPEAL NO.574 OF 2017

Santosh Ramchandra Sawant

Applicant

versus

The State of Maharashtra

Respondent

Mr.Paras Yadav, Advocate for Applicant.

Mr.Ajay Patil, APP, for State.

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

DATE : 20th February 2023

PC :

1. This is an application for suspension of sentence and releasing the Applicant on bail.

Applicant has been convicted under Section 302 of the Indian Penal Code by learned Additional Sessions Judge, Jaysingpur in Sessions Case No.2 of 2015, by its Judgment and Order dated 18th February 2017.

2. Perusal of evidence of Shri Suresh Annappa Koli (PW-9), the then PSO attached to Kurundwad Police Station, District Kolhapur, indicates that after commission of offence i.e. murder of Vijaya Sawant in the wee hours 12th May 2014 the Applicant himself went to Police Station at about 9.30 a.m and informed him about the

alleged act committed by himself. As the incident had occurred within the jurisdiction of Jaysingpur Police Station, police from Kurundwad Police Station called Police from Jaysingpur Police Station and handed over custody of Applicant to them. Subsequently a crime was registered on the basis of FIR given by Smt.Meena Balwant Tambde (PW-4). It prima facie appears that, the Trial Court has placed heavy reliance on the alleged confessional statement of Applicant to PW-9 in Kurundwad Police Station. It further prima facie appears that other corroborative pieces of evidence are weak in nature.

Applicant is in jail since 12th May 2014. Learned advocate for Applicant on instructions submitted that there are no antecedents at the discredit of applicant.

3. In view of the above we are inclined to suspend sentence and release the Applicant on bail.

Hence following order :-

- (i) During pendency of the present Appeal, substantive sentence imposed upon the Applicant is suspended;
- (ii) Applicant be released on bail in Sessions Case No.2 of 2015 tried by Additional Sessions Judge, Jaysingpur, District Kolhapur, on his furnishing PR bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

(iii) After his release from Jail and during the pendency of Appeal, Applicant shall attend Jaysingpur Police Station 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. four times a year between 10.00 a.m and 12.00 noon;

(iv) If the Applicant commits two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.

4. Interim Application is allowed in aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST