

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

**CRIMINAL INTERIM APPLICATION NO.382 OF 2019
IN
CRIMINAL APPEAL NO.285 OF 2016**

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Shahaji Shripati Bhandare ..Applicant
Versus
State of Maharashtra ..Respondent

**WITH
CRIMINAL APPEAL NO.350 OF 2016**

Shri. Krishnatrao Ganapati Hajare ..Appellant
Versus
The State of Maharashtra ..Respondent

Dr. Yug Mohit Chaudhary, for the Applicant/Appellant.
Smt. G. P. Mulekar, APP for the Respondent/State.

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

DATE : 2nd JANUARY, 2023

PC.

1. This is an application by accused No.1 for his release on bail during pendency of appeal. The applicant/accused was convicted by judgment and order dated 1st April, 2016, thereby awarding life imprisonment.

2. We have heard learned counsel appearing for the applicant/Appellant and learned APP.

3. Deceased Umaji and the present applicant-Shahaji are the real brothers. The applicant, a former public servant assaulted deceased on 10th July, 2013 with stick resulting into his death.

4. The motive attributed to the applicant is that of the deceased, a alcoholic was treating the parents and wife of the applicant with cruelty.

5. The fact remains that the applicant was arrested on 10th July, 2013 i.e. on the date of incident.

The applicant has already undergone imprisonment of nine years. The weapons used in the commission of crime are bamboo sticks. There is one more facet to the matter viz. the parents though are eye witnesses, were not cited as witnesses and accordingly examined in the matter. The testimony of wife is relied on for awarding conviction.

6. In view of above, it will be appropriate, in our opinion, to direct release of the applicant. As such following order :-

i) The applicant is directed to be released on execution of PR bond of Rs.25,000/- with one or two sureties in the like amount.

ii) The applicant shall remain outside the revenue

jurisdiction of the Taluka and place of the incident.

- iii) The applicant shall not issue threats to the complainant or other witnesses in the matter.

7. The application as such stands allowed in the above terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]