

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

INTERIM APPLICATION NO.297 OF 2023  
IN  
CRIMINAL APPEAL NO.107 OF 2023

Ravindra Bagaram Mane  
versus  
The State of Maharashtra

Applicant  
  
Respondent

Ms.Meghna Gowalani, appointed Advocate for Applicant.

Ms.S.D.Shinde, A.PP for Respondent-State.

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

**DATE : 28<sup>th</sup> February 2023**

PC :

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No.107 of 2023 preferred by Applicant challenging the judgment and order dated 22<sup>nd</sup> May 2019 passed by learned Additional Sessions Judge, Sessions Court, Greater Bombay in Sessions Case No.702 of 2013 convicting the applicant for offence u/s.302 of Indian Penal Code and sentencing him to suffer imprisonment for life and also convicting him for offence u/s.201 r/w 34 of IPC with sentence of 7 years imprisonment. Both the substantive sentences are directed to run concurrently.

2. It is the case of prosecution that, on 22<sup>nd</sup> January 2013 the first informant noticed one sack near his shop and on opening the same it was found containing a dead body of a woman. He reported it to the police. An offence was registered under Sections 302, 201 of IPC against unknown persons. During investigation it was revealed that, name of the deceased woman was Pratiksha Bhojane and she was resident of Ghatkopar. The deceased was working in several houses as maid servant. On 21<sup>st</sup> January 2013 she left for work and did not return home. The call data record indicated that, last phone call was made by the deceased on the cell phone of Santosh Khade (A.No.2) residing at Ghatkopar. He was residing with his wife Sakshi Khade (A.No.3) and her father Ravindra Mane (A.No.1). The tower location of mobile phone used by accused no.2 on 21<sup>st</sup> January 2013 was shown to be at the place where the dead body was found. All the accused were arrested. It is alleged that, some witnesses had heard noise of hitting and shouts of a woman from the house of accused. The accused no.3 restrained the neighbours from entering into her house.

3. Learned advocate for applicant submitted that, there is no evidence to establish that, the applicant was involved in committing murder of deceased. The applicant is in custody for a period of about ten years. None of the witnesses have stated that, they have

seen the applicant in the premises at the time of incident of assault. Evidence of witnesses at the most would indicate that, after hearing the shouts and commotion, the witnesses tried to enter into the house of accused and at that time accused no.3 restrained them from entering the house.

4. Learned APP submitted that, there is sufficient evidence to show involvement of applicant in the crime. Applicant was instrumental in assaulting the victim. Applicant and other accused attempted to destroy the evidence by putting dead boy in the sack and throwing it near the shop premises. Evidence in the nature of CDR and tower location shows involvement of applicant in the crime. There is recovery of weapon from appellant. Two witnesses had heard the shouts of victim while she was assaulted. The motive for crime was to rob jewellery from the person of victim for arranging money by mortgaging it.

5. None of the witnesses have stated that, they had seen the applicant assaulting the deceased. Accused nos.2 and 3 were convicted for offence u/s.201 r/w 34 of IPC. Applicant is convicted for offence u/s.302 of IPC as well as Section 201 of IPC. Accused nos.2 and 3 were acquitted for the offence punishable u/s.302 r/w 34 of IPC. The prosecution is relying on evidence of PW-2 and PW-3. Both these witnesses have stated that, they heard commotion and

shouts of women and conversation with accused no.3. According to them accused no.3 opened the door but did not allow them to enter inside the room. These witnesses have not seen the applicant inside the house at the time of assault. The prosecution is relying on evidence of recovery of weapon at the instance of applicant. PW-13 in the examination-in-chief has deposed that, accused no.1 had shown toilet block where he had thrown the knife. He used magnet and took out one knife from the toilet tank. In the cross-examination he stated that, there was free access to people at the said spot, toilet was demolished and dagger was taken out. His version is contradictory to examination-in-chief and cross-examination. The applicant is aged around 68 years. He is in jail from 31<sup>st</sup> January 2013.

6. Considering the aforesaid circumstances, the sentence imposed upon the Applicant can be suspended and he can be released on bail. Hence the following order :-

#### **ORDER**

- (i) During the pendency of Appeal, Applicant be released on bail in Sessions Case No.702 of 2013 on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- (ii) After his release from jail, Applicant shall attend Mulund Police Station, Mumbai on every first Monday of the month between 10:00

am and 12:00 noon initially for a period of one year. After end of one year, Applicant shall attend Mulund Police Station on every first Monday of the every 3<sup>rd</sup> month between 10:00 am and 12:00 noon. Applicant thus shall attend Mulund Police Station four times in a year during the pendency of the present Appeal;

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

7. Interim Application is allowed in the aforesaid terms.

**(PRAKASH D. NAIK, J.)**

**(A.S.GADKARI, J.)**

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