

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

**INTERIM APPLICATION NO.339 OF 2023
IN
CR.APEAL NO.1237 OF 2022**

Kailas Dhondu Navghane ... Applicant/Appellant.
Age 41 years, Occ: Agriculturist,
R/o :Matvan, Tal.Poladpur,
Dist.Raigad, Maharashtra.
(Presently at Alibaug Prison)

Versus

The State of Maharashtra
(through Poladpur Police Station) ... Respondent.

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Mr Amit Mane, Advocate, i/b Balwant Salunkhe for the Applicant.

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

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

DATE : 31 JANUARY 2023.

P.C. :-

. This is an application by Accused No.9 Kailas Dhondu Navghane, under Section 389(1) of Cr.P.C., seeking suspension of sentence and grant of bail.

2. We have heard the respective Counsels. The fact remains that the role attributed to the Applicant is that of, use of a bamboo stick in commission of crime. The Applicant came to be arrested on 1st June, 2020 and has suffered incarceration for a period of more than 2 years. Even if, statements of eyewitness namely Smitil Ganpat Mandhare - PW 1 and other witnesses is appreciated, the only role attributed to the Applicant is that of assault by a bamboo stick. The cause of death is, assault by sharp weapon on the head of the deceased, which role is not attributed to the Applicant.

3. In that view of the matter, case for suspension of sentence and grant of bail is made out. It is directed that,

- i) The Applicant be released on bail, on executing PR Bond of Rs.25,000/- with one or two sureties in the like amount.
- ii) The Applicant shall not try to establish contact with the witnesses.

4. The Application is allowed in above terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

