

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

INTERIM APPLICATION NO. 517 OF 2023
(For Suspension of Sentence and Bail)
IN
CRIMINAL APPEAL NO. 238 OF 2023

Umesh Tanaji Satpute ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Manisha Devkar, Appointed Advocate for the Applicant

Mr. V. B. Konde Deshmukh, A.P.P for the Respondent No.1-State

None for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.
THURSDAY, 19th OCTOBER 2023**

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks suspension of
his sentence and enlargement on bail, pending the hearing and
final disposal of the aforesaid appeal.

3 The applicant, vide judgment and order dated 21st May 2022, passed by learned Special Judge, Fast-Tract Court, Khed-Rajgurunagar, District Pune, in Sessions Case No. 15/2016, has been convicted and sentenced as under:

- for the offence punishable under Section 302 of the Indian Penal Code, to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year.

4 Perused the papers. Admittedly, the prosecution case rests on circumstantial evidence i.e. motive; last seen and recovery of weapon i.e. knife and blood-stained clothes. As far as evidence of last seen is concerned, the prosecution has examined PW 13-Bebi Dhondibhau Rakshe. Admittedly, the statement of the said witness was not recorded during the course of investigation. It also appears that infact, the statement of her

husband who subsequently expired, was recorded both under Section 161 and 164 of the Code of Criminal Procedure. A perusal of the cross-examination of PW 13-Bebi Rakshe, shows that she learnt of the applicant killing his mother-in-law through the discussion amongst people. She has further, in her cross-examination, stated that she was not aware of the personal life of the applicant and that on the day of the incident, the applicant had come with his mother-in-law as well as his mother, on the same day.

5 Apart from the said evidence, the prosecution has examined PW 2-Tushar Gorde, son of the deceased and complainant, to prove motive. A perusal of the cross-examination of the said witness i.e. PW 2 shows that the applicant's wife did not want to stay with the applicant but instead, wanted to live with one Prashant Gopale and that infact, the deceased was opposed to her daughter i.e. applicant's wife, staying with said Prashant Gopale, since she was married.

6 As far as recovery of blood-stained knife and clothes are concerned, the blood group has not come on record. The Chemical Analyser's report only shows that it is human blood. The applicant is in custody since 7th October 2015.

7 Overall considering the evidence on record and the fact that the applicant is incarcerated since 7th October 2015, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the aforesaid appeal, on the following terms and conditions:

ORDER

- i) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till the appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of his current address and mobile contact

number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

8 The Application is disposed of in the aforesaid terms.

9 Learned A.P.P to forthwith communicate the above order to the Superintendent of Yerwada Central Jail, who, in turn, shall explain the operative part of the order to the applicant.

10 On receipt of copy of this order, the Superintendent of Yerwada Central Prison, to take steps to produce the applicant before the concerned Court, to enable the applicant to furnish P.R. Bond in the sum of Rs.15,000/-.

11 Stand over to **8th November 2023**. To be listed under the caption `for compliance`.

12 We would like to record a word of appreciation for the able assistance provided by Ms. Manisha Devkar, as an Appointed Advocate for the Applicant.

13 High Court Legal Services Committee to award fees of the learned appointed advocate, as per Rules.

14 All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.