

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

**INTERIM APPLICATION NO.604 OF 2023  
IN  
CRIMINAL APPEAL NO.742 OF 2021**

Madhukar Khandu More .... Applicant

versus

State of Maharashtra .... Respondent

.....

- Mr. Yakub Shaikh, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.  
DATE : 20<sup>th</sup> FEBRUARY, 2023**

**P.C. :**

1. This is an application for bail pending final disposal of the Appellant's Criminal Appeal No.742 of 2021. The Applicant was convicted and sentenced by the Additional Sessions Judge, Nashik, vide his Judgment and Order dated 24/09/2018 passed in Sessions Case No.184 of 2018.

The Applicant was convicted for commission of offence punishable u/s 307 of the Indian Penal Code and was sentenced

to suffer rigorous imprisonment for five years and to pay a fine of Rs.2,000/- and in default of payment of fine to undergo simple imprisonment for two months.

That order was passed on 24/09/2018.

2. Heard Mr. Yakub Shaikh, learned counsel for the Applicant and Mr. S. R. Agarkar, learned APP for the State.
3. Learned counsel for the Applicant submitted that the Applicant is a Senior Citizen and he is almost 76 years of age. The sentence is of 5 years and he has completed more than 4 years and 4 months, though he was on bail during trial. He did not advance any submissions on merits of the matter.
4. Learned APP relied on the evidence of the victim who is examined as P.W.2 and on the medical evidence in the form of Dr. Ashok Gaikwad, who is examined as P.W.6 to oppose this application.

5. I have considered these submissions. The Appeal was filed belatedly and it was admitted on 03/09/2021. No separate Bail Application was preferred. However, there was prayer for suspension of sentence made in Appeal memo itself. When the Appeal was admitted, no order was passed on this prayer and apparently that prayer was not pressed. After that, this Bail Application is preferred on 10/02/2023. Again it is preferred after much delay. The Applicant has almost completed his sentence. Filing this application for bail so belatedly, is not explained anywhere.

6. I have perused the evidence of the victim. She was assaulted with a knife by the Appellant on 27/02/2018 on a road. Her evidence is supported by the medical evidence which shows that there were three injuries. The first one was on the chin of the size 3 cm x 1 cm x 1 cm; second was on the left scapular region of the size 5 cm x 2 cm x 2 cm and the third was the abrasion over right hand thumb.

7. Thus, at this stage, there is sufficient material to show that it is a case u/s 307 of the Indian Penal Code and the safety of the victim is in danger. Moreover, the application is filed belatedly. Therefore, I am not inclined to allow this application at such belated stage. However, since the Applicant's sentence is almost getting over and the record and proceedings are received by the Court, I am directing that the Appeal be decided finally at the earliest. Therefore, add this Appeal for final hearing at the bottom of the admission board on 24/02/2023.
8. With these observations, the application is rejected and disposed of.

**(SARANG V. KOTWAL, J.)**