



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

**CRIMINAL INTERIM APPLICATION NO. 978 OF 2023
IN
CRIMINAL APPEAL NO. 207 OF 2023**

Laxman Prabhu Wagh

... Applicant

vs.

The State of Maharashtra and Ors

... Respondents

Mr. Niranjan S. Mundargi i/b. Ms. Keral Mehta, for the
Applicant.

Mrs. P.P. Shinde, A.P.P for the State.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATED : 8th SEPTEMBER, 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 9th January 2023, passed by learned Additional Sessions Judge, Vadgaon Maval, Pune in Sessions Case No. 62 of 2022, has been

convicted as under:-

- for the offence punishable under Section 302, 201, 394 and 449 of the Indian Penal Code, to suffer rigorous imprisonment for 1 year and to pay fine of Rs. 5,000/- in default, to suffer simple imprisonment for 10 days;
- for the offence punishable under Section 201 of the Indian Penal Code, to suffer rigorous imprisonment for 3 years and to pay fine of Rs.1,000/- in default, to suffer simple imprisonment for 3 months.
- for the offence punishable under Section 394 of the Indian Penal Code, to suffer rigorous imprisonment for 7 years and to pay fine of Rs.3,000/- in default, to suffer simple imprisonment for 3 months.

All the aforesaid sentences were directed to run concurrently.

4. Perused the papers. The prosecution case rests entirely on circumstantial evidence. According to the prosecution, the incident took place on 26th August 2011. It is alleged that the

applicant committed the murder of Sheetal Ohol on the said date, at around 12.26 p.m to 12.47 p.m., with an intent to commit theft of her belongings. The prosecution relies on three circumstances to show the complicity of the applicant in the offences; One, recovery of gold ornaments and mobile belonging to the deceased-Sheetal; Second finding of applicant's shirt button at the spot; and Third, finding of blood stains of the deceased, on the applicant's clothes. It appears that the applicant is in custody since 26th August 2011 for about 12 years. The Appeal is of the year 2023 and is not likely to come up for hearing in the immediate near future.

5. Considering the evidence on record and in particular, the long incarceration of the applicant i.e. 12 years, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his 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. 25,000/- with one or two sureties

in the like amount;

ii) The Applicant shall report to the trial Court, once in 3 months on the day/date specified by the trial Court, till his 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.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)