

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

***CRIMINAL INTERIM APPLICATION NO.999 OF 2023
IN
CRIMINAL APPEAL NO.297 OF 2023***

Sukat Mohadan Chouhan ...Applicant/Accd.no.1

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Vagal a/w Mr. Sanket Bhuwad, Mr. Kunal Pednekar and
Mr. Divesh Mehani, for the Applicant.

Ms. S. S. Kaushik, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 31st MARCH 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 alongwith other co-accused, vide Judgment and Order dated 14th February 2023, passed by learned Additional Sessions Judge, Nashik in Sessions Case No. 65 of 2021, 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.2,000/- each, in default, to suffer rigorous imprisonment for 3 years.

4. Learned counsel for the applicant submits that the applicant is a senior citizen, aged 60 years. He submits that the allegations as against the applicant is that he held the deceased, pursuant to which the other co-accused assaulted the deceased with a bat on his head, pursuant to which, the deceased succumbed to his injury on 18th November 2020 i.e. after four days of the alleged incident. He submits that the applicant was on bail pending trial and has not misused or abused the liberty granted to him.

5. Perused the papers. There are four eye-witnesses to the alleged incident of assault, including the wife of the deceased. It appears that the role ascribed to the applicant is that of holding the deceased, pursuant to which the other co-accused are alleged to have assaulted the deceased with a bat on the head. The incident is alleged to have taken place on 14th November 2020 and the deceased is stated to have expired four days thereafter i.e. on 18th November 2020. It is not in dispute that the applicant was on bail pending trial and that he has not misused or abused the liberty granted to him. The applicant's appeal has been admitted by this Court vide order dated 27th March 2023 and the same is not likely to come up for the hearing in the immediate near future.

6. Considering the role of the applicant; that the appeal is not likely to come up for the hearing in the immediate near future and the fact that the applicant was on bail pending trial, 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.

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

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

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.