

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

**INTERIM APPLICATION NO.1169 OF 2020
IN
CRIMINAL APPEAL NO.1408 OF 2018**

Dhananjay @ Sonu Jaydrath Kakade ..Applicant/Appellant
Versus
The State of Maharashtra ..Respondent

Mr. Ganesh Gole i/by Ateet Shirodkar, for the Applicant/Appellant.
Mr. S. V. Gavand, APP for the Respondent/State.

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

DATE : 31st OCTOBER, 2023

PC.

1. Application is by the accused No.3, who was convicted in Sessions Case No.240 of 2015 for an offence punishable under Sections 302, 326, 504, 506 r/w 34 of IPC and is sentenced to suffer rigorous imprisonment for life.

2. It is not in dispute that till this date, the applicant has undergone more than eight years of imprisonment. We are informed that there are no criminal antecedents against the applicant.

3. With the assistance of learned APP and counsel appearing for the applicant, we have perused the testimony of PW-1/complainant, who happened to be real brother of deceased/Salim Shaikh.

4. The fact remains that in the complaint no specific role is attributed to the applicant as could be inferred from the admissions given to that effect by PW-1 in his cross-examination.

5. The testimony of doctor discloses that the deceased died of single chest injury, whereas non-specific and general allegations against the accused Nos.1 to 3 of assaulting the deceased by iron rod on the chest are made. Considering the cause of death of single chest injury and the general allegations against applicant along with his brothers of assaulting the deceased, we are of the view that the applicant, who has already undergone imprisonment of more than eight years, deserves to be released.

6. In this view of the matter, the application stands allowed.

7. Applicant is directed to be released on bail on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

8. The application as such stands disposed of.

[N. R. BORKAR, J.]

[NITIN W. SAMBRE, J.]