

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.1629 OF 2023****IN****CRIMINAL APPEAL NO.480 OF 2018**

Ambadas Chandramohan Porand

...Applicant

V/s.

The State of Maharashtra & Ors.

...Respondents

Dr.Yug Mohit Chaudhary, for the Applicant.

Mr.S.S. Hulke, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 28th JUNE 2023****P.C.**

1. This is an application for suspension of sentence and releasing the Applicant (Accused No.1) on bail.
2. Record indicates that Accused No.2 has been directed to be released on bail by the Order of this Court dated 18th January 2023. In the said Order, the co-ordinate Bench has expressed a doubt about the seizure of the ATM card belonging to the deceased from the said accused. *Prima facie* the only circumstance which therefore, remains against the Applicant for consideration at this stage is the rope recovered from the room of the Applicant, which

was similar to the rope with which the deceased was strangled/
murdered.

3. *Prima facie* it appears that, there is no connecting link to indicate that it is the same rope which was used for strangulation of deceased. PW-8 in his cross-examination has admitted that, the rope which was produced by the prosecution bearing Article No.3, similar types of ropes are available in market. The Appellant is in jail from 30th September 2014 and has almost undergone incarceration of about 9 years.

4. In view of the above, pending the hearing and final disposal of the present Appeal, the substantive sentence imposed upon the Applicant is hereby suspended.

5. Applicant is released on bail on the following terms and conditions.

(a) The applicant be released on bail on his executing PR Bond of Rs.25,000/- with one or two local sureties in the like amount.

(b) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of every month between 10.00 am to 12.00 noon till conclusion of the Trial.

6. Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)