



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

**CRIMINAL INTERIM APPLICATION NO. 2097 OF 2023
IN
CRIMINAL APPEAL NO. 658 OF 2023**

Satyanarayan Rajendrarao Yadav
R/o. Post-Chandpura, Tal-Raghopur,
District Vishali, State-Bihar ... Applicant

vs.

The State of Maharashtra
(through CBD Police Station, Navi Mumbai) ... Respondent

Mr Raviraj Paramane, for the Applicant.

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

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

DATED : 1st 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 his aforesaid appeal.
3. The applicant vide Judgment and Order dated 4th February

2023, passed by learned Additional Sessions Judge, Thane in Sessions Case No. 495 of 2015 alongwith other co-accused, has been convicted and sentenced as under:-

- for the offence punishable under Section 302 read with section 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and to pay fine of Rs. 5,000/- in default, to suffer simple imprisonment for three months.

4. Perused the papers. Prosecution case rests on circumstantial evidence. As far as motive is concerned it is the prosecution case, that the applicant alongwith another co-accused committed the murder of Kartik Kumar Jaiswal on 7th July 2015. In order to prove motive, the prosecution examined PW-7-Maruti Lakdaji Mange. We have perused the evidence of the said witness i.e. Maruti Mange and having perused the same, we do not find any material in his evidence, to infer that the applicant had strong motive to kill Kartik Jaiswal. As far as recovery of blood stained iron sickle, is concerned, it appears that the said weapon was recovered from accused no.2 and not from the applicant. As far

as recovery of clothes of the deceased are concerned, the said clothes were recovered at the instance of the applicant, however, the said clothes have not been identified, as being that of the deceased-Kartik. Applicant is in custody since 18th July 2015 and his appeal is not likely to be heard in the immediate near future.

5. Considering the evidence on record, 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. 20,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in six 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.

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.)