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

**INTERIM APPLICATION NO.2258 OF 2023
IN
APPEAL NO.707 OF 2023**

1. Prashant Ganesh Pasalkar	...
2. Vishal Sanjay Pawar	... Applicants
vs.	
State of Maharashtra	... Respondent

Mr. Satyavrat Joshi for the Applicants.
Mrs. P. P. Shinde APP for the Respondent-State.
Mr. V. J. Mahangade, API, Saswad police station present.

CORAM : N. B. SURYAWANSHI, J.

DATED : 18TH OCTOBER 2023

P. C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicant challenging the judgment of conviction.

2. Applicants are convicted by learned Additional Sessions Judge, Pune in Sessions Case No.186 of 2016, under Section 307 read with 34 of Indian Penal Code.

3. Learned Advocate for the Applicants strenuously

urged that the offence cannot go beyond Section 324 of the IPC, in view of evidence brought on record by the prosecution. He, therefore, submits that since Section 324 of the IPC is bailable offence, applicants deserve to be released on bail.

4. Learned APP opposed the application of Applicant No.1 on the ground that two more offences being C.R. No.238 of 2019, under Sections 143, 149, 324, 504, 506 of Indian Penal Code and C.R. No.387 of 2021, under Section 21 of the NDPS Act, are registered against applicant No.1 with Saswad police station. Therefore, considering the criminal antecedents he is not entitled for bail.

5. Considering the criminal antecedents, Applicant No.1 is not entitled for suspension of sentence.

6. So far as Applicant No.2-Vishal Pawar is concerned, there are no criminal antecedents and considering that the sentence of seven years being a short term sentence, in the wake of decision in the case of Bhagwan Rama Shinde Gosai and Ors. vs. State of Gujarat (1999) SCC (Cri.) 553, and considering the fact that no exceptional grounds are there to reject the bail.

Application of Applicant No.2 deserves to be allowed.

7. In the result the following order is passed :-

- (i) Application of Applicant No.1-Prashant Pashalkar is rejected.
- (ii) During the pendency of the present Appeal, the substantive sentence of imprisonment imposed upon Applicant No.2-Vishal Pawar is suspended.
- (iii) Applicant No.2-Vishal Pawar be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount.
- (iv) Applicant No.2-Vishal Pawar shall not contact either complainant or any of the witnesses or their family members and shall not indulge in any unlawful activity or business.
- (v) Applicant No.2-Vishal Pawar shall report to the trial Court once in three months on first Monday, until further orders.
- (vi) Application is disposed of accordingly.

[N. B. SURYAWANSHI, J.]