

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

**INTERIM APPLICATION NO. 2046 OF 2022
IN
CRIMINAL APPEAL NO. 881 OF 2018**

Ananda Manku Patil
Vs
State of Maharashtra

.. Applicant

.. Respondent

**WITH
CRIMINAL APPEAL NO. 594 OF 2019
WITH
CRIMINAL APPEAL NO. 576 OF 2019
WITH
CRIMINAL APPLICATION NO. 1570 OF 2018
IN
CRIMINAL APPLICATION NO. 1121 OF 2018**

Dr. Yug Mohit Chaudhary for the appellant in APEAL/881/2018
Adv. Shekhar A. Ingawale for the appellant in APEAL/594/2019
Adv. A. R. Kapadnis, APP for the respondent-State in all.

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

DATED : 04TH JANUARY, 2023

P.C.:

1. Heard.
2. The applicant/accused no. 1 was convicted for an offence punishable u/s. 302 and awarded life imprisonment alongwith other co-accused.
3. The case of the prosecution rests on the use of fire arms by

the applicant/accused no. 1, which incident is not disputed.

4. However, Mr. Chaudhary while trying to make out the case for bail during pendency of appeal has invited attention of this Court to the testimony of P.W. No. 2, a witness to the arrest panchanama so as to claim that in the offence in question the applicant/accused no. 1 has suffered injuries which are not investigated.

5. Relying on the Apex Court judgment in the matter of **Laxmi Singh & Ors. vs. State of Bihar** reported in **AIR (1976) SC 2263**, he would urge that once the injury sustained by the accused are not investigated the benefit must go to the accused in the matter of grant of bail. Apart from above his contentions are, the injuries suffered during the assault are also not looked into.

6. In addition, drawing support from the directions issued by the Apex Court in the matter of **Suleman Vs State of Uttar Pradesh** delivered in Miscellaneous Application No. 764 of 2022 in Criminal Appeal No. 491 of 2022 decided on 15/09/2022 it is claimed that once the accused is life convict and has undergone sentence of 10 years and more is entitled to be released on bail.

7. The contentions are resisted by Mr. Kapadnis, learned APP on

the ground that the applicant with predetermined intention, armed with fire arms committed the offence. According to him, once the commission of the offence is admitted, this Court should be slow in exercising powers u/s 389 of Cr.PC. He would further urge that appeals can be scheduled for final hearing as the paper books is ready.

8. We have appreciated the submissions.

9. The fact remains that the applicant has already suffered incarceration for a period of 10 and 1/2 years and is senior citizen who is about 73 years.

10. Relying on the judgment of the Apex Court in the matter of **Suleman (supra)** this Court is of the view that the applicant deserves to be released on the bail as it is not possible for this Court to hear the matter expeditiously as has been claimed by learned APP.

11. In view of above, in our opinion the applicant deserves to be released on bail on following conditions:

12. Applicant be released on bail in Crime No. 84 of 2012 registered with Kagal Police Station for offences punishable u/s. 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of IPC and u/s 27 of the Arms Act upon furnishing P.R. bond in the sum of

Rs. 25,000/- with one or more sureties in the like amount.

13. Till the hearing of appeal, the applicant shall not enter the jurisdiction of the concerned police station.

14. The applicant shall not issue threats to the witness.

15. Application stands allowed in above terms.

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by ANANT
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(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)