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

**INTERIM APPLICATION NO.2457 OF 2023
IN
CRIMINAL APPEAL NO.178 OF 2023**

Vikramsingh Gumansingh Raput @ Vikramsingh Gumansingh Rajpurohit	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Kamlesh N. Gujar for the Applicant.
Mrs. M. H. Mhatre APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 7TH NOVEMBER 2023

P. C. :

1. Learned Advocate for applicant states that two cases were registered against applicant i.e. Sessions Case No.18 of 2009, wherein applicant was charged under Sections 395, 397, 452, 450 of Indian Penal Code read with Arms Act, in which, applicant is acquitted. In Sessions Case No.1026 of 2004, wherein, applicant is charged under Sections 302, 456 read with 34 of Indian Penal Code, pending against applicant, which he is conducting on behalf of applicant. He further states that in this Sessions trial,

applicant is on bail. According to him, applicant has already undergone six years and ten months imprisonment out of ten years sentenced imposed on applicant. He, therefore, prays for releasing applicant on bail.

2. Learned Advocate further submits that since applicant is in jail since last six years, he is not in position to deposit fine amount of Rs.10,00,000/- in this Court.

3. Learned APP strenuously opposed application contending that serious offence is registered against applicant under Sections 302, for which Sessions Case No.1026 of 2004, is pending against him. Considering judgment of the trial Court, there is sufficient evidence on record, therefore, applicant is not entitled to be released on bail.

4. Taking into consideration the fact that out of ten years sentence of imprisonment, applicant has already undergone six years ten months imprisonment and as applicant is on regular bail in Sessions Case No.1026 of 2004, and the fact that present appeal is not likely to be heard in near future, applicant deserves to be released in the light of decision of the Apex Court in the case of **Bhagwan**

Rama Shinde Gosai and Ors. vs. State of Gujarat¹.

5. In the result, the following order :-

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment imposed on applicant vide judgment and order dated 22nd June 2021 in Sessions (MCOCA) Case No.1 of 2017, is suspended during pendency of appeal.
- (iii) Applicant be released on executing personal bond of Rs.25,000/- with one or more sureties in the like amount.
- (iv) Applicant shall deposit fine amount of Rs.21,000/- imposed on him under Sections 307, 387, 506(2) and 323 read with 34 of Indian Penal Code.
- (v) Applicant shall further deposit fine of Rs.1,00,000/- within eight weeks from date of release. On deposit of such amount substantive sentence of fine of Rs.10,00,000/- shall stand suspended.
- (vi) Applicant be released on cash bail of Rs.25,000/-. Surety shall be furnished within eight weeks from the date of release.
- (vii) Applicant shall attend concerned police station twice a month of 1st and 3rd Sunday between 10 am to 12 noon.

1 (1999) SCC (Cri.) 553

(viii) Applicant shall furnish his residential address and cell phone number to the concerned police station.

[NITIN B. SURYAWANSHI, J.]