

rrpillai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1165 OF 2019
IN
CRIMINAL APPEAL NO. 652 OF 2017

Sanjay Laxman Kokane ...Applicant/Appellant

Versus

The State of Maharashtra ...Respondent

Ms. Priyal G. Sarda a/w. Ms. Seema Dighe for the
Applicant/Appellant.

Ms. P. P. Shinde, APP for the State.

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

DATE : 8th DECEMBER 2023

P. C. :

1. Heard learned counsel for the parties.
2. This is the second bail application preferred by the applicant. The first bail application was dismissed as withdrawn by this court [Coram : Ranjit More and Smt. Sadhana S. Jadhav, JJ.] vide order dated 18th September 2017. The judges who had passed the said order have retired since then, and hence, the

Digitally signed
by
RAJESHWARI
RAMESH
PILLAI
Date:
2023.12.19
14:33:14 +0530

RAJESHWARI
RAMESH
PILLAI

aforesaid application is taken up for hearing. 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 by judgment and order dated 14/16 December 2016 passed by the Additional Sessions Judge, Pune in Sessions Case No. 768 of 2011 has been convicted and sentenced alongwith other co-accused as under :

— for the offence punishable under section 201 read with Section 34 of the Indian Penal Code, to suffer rigorous imprisonment for seven years and pay fine of Rs.2,000/-, in default to suffer imprisonment for four months;

— for the offence punishable under section 302 read with Section 34 of the Indian Penal Code, to suffer rigorous imprisonment for life and pay fine of Rs.3,000/-, in default to suffer imprisonment for six months;

Maximum sentence imposed is under the offence punishable under section 302 read with section 34 of the Indian Penal Code to serve imprisonment for life.

4. Perused the papers. Admittedly the prosecution case rests on circumstantial evidence. The only circumstance alleged against the applicant is recovery of a dead body i.e. only bones were found, at the instance of the applicant. The DNA report reveals that the blood samples of the brother and the mother of the deceased were sent for DNA profiling, however the same did not match with that of the deceased.

5. Admittedly, there is no other circumstantial evidence in the form of last seen or motive or CDRs.

6. The applicant is in custody since 2016 i.e. for about eight years.

7. Considering the aforesaid, 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.25,000/- each with one or two sureties in the like amount;

ii) The Applicant shall report to the trial Court, once in four 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 their 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.

8. The Application is allowed in the aforesaid terms and is accordingly disposed.

All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.

Note : This order is corrected vide speaking to the minutes of order dated 14th December 2023.