

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

**INTERIM APPLICATION NO. 2896 OF 2022
IN
CRIMINAL APPEAL NO. 864 OF 2018**

Vishal @ Sonu Rajendra Srivastav	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Rajiv Chavan, Senior Advocate a/w Anjali Patil, Priyanka Chavan, Prajyot Shrivastav, Bhairavi Warwadekar, Mallika Shara i/by Anjali Patil for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent-State.

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

DATE : 1st MARCH, 2023

P.C. :-

. In Sessions Case No. 386 of 2012, applicant came to be convicted on 21st October, 2011 and is sentenced to suffer life imprisonment for an offence punishable under Sections 302, 450, 392 397 of the Indian Penal Code.

2. The fact remains that the applicant has undergone more than ten years of incarceration. The conviction of the applicant is based on circumstantial evidence. We appreciate the testimony of PW1-complainant, whose mother so also daughter was allegedly murdered by the applicant. The recovery from the applicant/accused, in our opinion, cannot be accepted as the only piece of evidence to direct his

further detention as the weight of such recovery is at variance as the one mentioned in the FIR.

4. In the aforesaid background, having regarding to the position of law as reflected in the judgment of Apex Court in the matter of ***Suleman v/s. State of Uttar Pradesh*** delivered in Miscellaneous Application No. 764 of 2022 in Criminal Appeal No. 491 of 2022 decided on 15th September, 2022, we deem it appropriate to exercise the jurisdiction under Section 389(1) of the Code of Criminal Procedure. The application as such stands allowed.

5. The applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

6. The applicant shall not contact the witnesses in any manner.

7. It is further directed that the applicant shall attend the concerned Police Station in first week of every English calendar month, as he was shown to have been absconded from the date of incident till the date of his arrest.

8. Application is allowed in above terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

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