

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2962 OF 2022****IN****CRIMINAL APPEAL NO. 426 OF 2020**

Rahul Rama Sargar

...Applicant/Appellant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi Advocate for Applicant/Appellant.

Mr. S. S. Hulke, APP for Respondent-State.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 19th APRIL 2023.****P.C.:-**

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by the applicant challenging the judgment of conviction.
2. The applicant/appellant has been convicted vide judgment and order dated 7th February 2020 passed by learned Sessions Judge, Sangli in Sessions Case No. 20 of 2016 for offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life.
3. The case of the prosecution is that the applicant/accused No.1 assaulted the deceased Rajkumar Shingade with knife by giving blow on his abdomen. Bhaskar Shingade/accused No.2 assaulted another person

Sandipan on his face and stomach with knife. The other accused assaulted the victims by giving fist and kick blows.

4. Learned Advocate for the applicant submitted that, the applicant is in custody for substantial period of time. The applicant has been falsely implicated on account of enmity. Counter case was filed by co-accused Bhaskar Shingade alleging that, victims and others had assaulted him and other accused. The offences were registered under Sections 143, 147, 148, 323, 324, 504, 506 read with 149 of IPC. The applicant was arrested on 1st September 2015. The appeal may not be heard within short span of time. The prosecution case suffers from contradictions and improvements. The case of the prosecution is based on interested witnesses. The incident took place by way of sudden quarrel and there was no intention to commit murder.

5. Learned APP submitted that, the incident is of serious nature. Two persons were killed by the accused. The applicant was armed with weapon which was used in assaulting the victim.

6. PW-1 Ramchandra Shingade is the eye witness to the incident. He has stated that, applicant/accused No.1 Rahul Sargar gave blow by knife upon Rajkumar Shingade. Bhaskar Shingade assaulted Sandipan with knife. Rahul Sargar assaulted the witness on his right hand. Bhaskar Shingade assaulted Suresh on his neck. PW-7 Suresh Shingade is another eye witness to the incident. He has deposed that, accused No.1 Rahul Sargar took out

knife and gave blow on stomach of Rajkumar. He also assaulted Ramchandra and Babaso by knife. Accused No.2 assaulted Sandipan with knife and gave blow on the stomach.

7. There is sufficient evidence against the applicant. The offence is of serious nature. No case is made out to suspend the sentence and grant of bail.

ORDER

(i) Interim Application No. 2962 of 2022 stands rejected.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)