

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4337 OF 2022****IN****CRIMINAL APPEAL NO. 1281 OF 2022**

Dada Appa Rupnawar

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Ms. Vrushali L. Maindad for the Applicant.

Mrs. M.M. Deshmukh APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 6th JULY, 2023.

PC.:-

1) This is an Application for suspension of sentence and releasing the Applicant, Original Accused No.3 on bail.

2) Perusal of evidence of material witnesses namely PW No.1, PW No.3 and PW No.5 prima facie indicates that, there is variance in their depositions with respect to the role attributed to the Applicant.

PW No.1 has attributed role of general nature of Applicant. PW No.3 is the first informant, has stated that, Applicant along with Santosh Rupnawar came at the scene of offence with stick, however no

overt act is attributed to him. However, PW No.5 who is also an eye-witness has attributed role of assault by stick on deceased Ashok by Applicant and other co-accused.

3) In this background, PW No.4 i.e. Dr. Anant Kulkarni, who had conducted autopsy of dead body of Ashok had noticed following injuries on the person of Ashok:-

- “1. Multiple transverse and vertical cuts over occipital region. Size 6 x 2 c.m. and 4 x 2 c.m. with active bleeding caused by sharp object caused within 1 to 2 hours. Its nature was grievous.*
- 2. Amputated injury left wrist with hanging of left wrist on skin tag caused by sharp object, caused within 1 to 2 hours. Its nature was grievous.*
- 3. Deep cut right palm with active bleeding, size 4 x 2 x 2 c.m. caused by sharp object within 1 to 2 hours. Its nature was grievous.*
- 4. Deep cut, longitudinal cut and superficial cut, size 6 x 4 x 2 c.m. and 4 x 1 x 2 c.m. on left side scapular region, left elbow and right arm caused by sharp object within 1 to 2 hours. Its nature was simple.”*

4) Applicant is in jail for last about 7 years. In view thereof, during the pendency of the present Appeal the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

Hence, the following Order:-

- (a) During the pendency of present Appeal the substantive sentence imposed upon the Applicant is suspended and he is released on bail on his furnishing P.R. bond of Rs.10,000/- with one or two sureties in the like amount;
 - (b) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed off;
 - (c) Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
 - (d) 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.
- 5) Application is allowed in the aforesaid terms.
- 6) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.07.17
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