

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1648 OF 2023

IN

CRIMINAL APPEAL NO.246 OF 2023

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Ravi Ramesh Mane

.. Applicant

vs.

State of Maharashtra

.. Respondent

Mr. Umesh R. Mankapure for the Applicant.

Mr. S.V.Gavand, APP for the Respondent-State

CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 19th JANUARY, 2024

P. C.:-

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

The Applicant has been convicted under Sections 302, 201, 364, 392 r/w. 120B and 34 of the Indian Penal Code by the Learned Additional Sessions Judge, Kolhapur in Sessions Case No. 9 of 2012 and is sentenced to suffer imprisonment for life.

2) Perusal of evidence on record indicates that, Applicant was having affair with Accused No.7- Leean Nitin Padavale. That, the Applicant gave contract to Accused No.5- Deelip Dudhale and Accused No.6- Amit Shinde for committing murder of Niting Padavale i.e. the husband of Accused No.7

as he was hurdle in their affair. A meeting was held on 9th January, 2011 of all the accused persons in a hotel at Satara and in furtherance thereof, on 12th January, 2011, after 5.30 p.m., the accused persons committed murder of Nitin Padavale.

3) Undoubtedly, the entire prosecution case is based on circumstantial evidence. The role attributed to the Applicant is of principal conspirator and having motive to commit murder of Nitin Padavale. Except the allegation of giving contract of Rs.1,50,000/- to Accused Nos. 5 and 6 to commit murder of Nitin Padvale in conspiracy with other persons, no other act is attributed to the Applicant. Prima facie, it appears that, the evidence against the Applicant is to that effect only.

4) Mr. Mankapure, learned Advocate for the Applicant submitted that, during the pendency of the trial, the Applicant was released on bail and there is no breach of condition of bail Order reported by the Investigating Agency.

5) In view of the above, during the pendency of the Appeal, we are inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail.

Hence, following Order:

(i) The Applicant be enlarged on bail in Sessions Case No. 9 of 2012 on

his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

- (ii) The 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.
 - (iii) The 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.
 - (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.
- 6) The Interim Application is allowed in the aforesaid terms and is accordingly disposed off.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)