

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2141 OF 2023****IN****CRIMINAL APPEAL NO. 256 OF 2023**

Kailas Daggu Salawe

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Janhavi S. Karnik for the Applicant.

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

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 16th FEBRUARY, 2024.****P.C.:-**

1) This is an Application for suspension of sentence and releasing the Applicant on bail.

2) It is the prosecution case that, on 4th September, 2014, the Applicant and deceased Amar Nalawade had altercation. Smt. Manisha Vadar (PW-8) i.e. the sister of Amar Nalawade intervened and tried to pacify the said altercation. At that time, the Applicant assaulted the deceased with a wooden log. The deceased fell down on the ground and become unconscious. Applicant was immediately arrested on the same day.

- 3) Perusal of evidence on record *prima facie* indicates that, the Applicant did not have intention to commit murder of deceased Amar Nalawade and during the said altercation in a fit of rage, he assaulted the deceased with wooden log, which was lying thereof. It appears from the testimony of Dr. Praveen Chavan, an autopsy surgeon (PW-12) that, the Applicant gave one single blow with a hard object on the head of the deceased.
- 4) Applicant is behind bars since the date of his arrest and as of today has undergone about 9 years and 5 months in incarceration. The possibility of hearing the Appeal of Appellant in near future is remote.
- 5) In view of the above, during the pendency of the Appeal, we are inclined to suspend the sentence and release the Applicant on bail.

Hence, the following order:-

ORDER

- (a) During the pendency of present Appeal, Applicant be released on bail in Sessions Case No.1 of 2015 arising out of C.R. No.53 of 2014 registered with Shirol Police Station, District Kolhapur on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- (b) After his release from jail and during the pendency of the Appeal, Applicant shall attend Shirol Police Station,

District Kolhapur on every first Monday of the month between 10.00 am and 12 noon, initially for a period of one year and thereafter on every first Monday of every third calendar month i.e. four times in a year between 10.00 am and 12 noon;

- (c) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court any change in his residential address and his mobile number, on which he can be contacted;
 - (d) If there are two consecutive defaults in marking presency as directed in para (b) above, the prosecution will be at liberty to file Application for cancellation of bail;
 - (e) Applicant shall make himself available at the time of final hearing of the Appeal.
- 6) Application is allowed in the aforesaid terms.
- 7) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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