

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

Interim Application No.2961 of 2024

in

Criminal Appeal No.206 of 2020

Suresh Bhauso Patil

Age: 34 years, Occ.Aгри.,

R/o Kasaba Arale, Tq.Karveer,

Dist.Kolhapur

(at present applicant is in Kolhapur

Central Jail)

... Applicant

Versus

The State of Maharashtra

Through the Public Prosecutor

High Court, Mumbai

... Respondent

Mr Vinod Sangvikar a/w Siddheshwar Galande a/w Yogesh
Morbale, for the applicant.

Ms Kranti Hiwrale, APP, for the respondent/ State.

Coram: RN Laddha, &

Shivkumar Dige, JJ.

Date : 29 November 2024.

P.C.:

The applicant, a convicted accused, has filed this application under Section 389(1) of the Code of Criminal Procedure, 1973, seeking bail in Criminal Appeal No.206 of

2020 until its final disposal.

2. The offence in question stems from the allegation that the applicant, using a firearm, committed murder of Pandurang Desai, the deceased.

3. Mr Vinod Sangvikar, the learned Counsel appearing on behalf of the applicant, submits that this application is filed pursuant to the liberty granted by the Hon'ble Apex Court on 24/07/2023, as the appeal against the conviction was not decided within one year. It was further contended that during the trial, this Court, by an order dated 07/05/2009 in Criminal Application No.1499 of 2009, had granted regular bail to the applicant. Based on this, the learned Counsel argues that since the applicant was on bail throughout the trial, he should receive the same treatment during the pendency of the appeal.

4. The learned Counsel also points out the alleged deficiencies in the prosecution's case, particularly noting the testimonies of prosecution witnesses, Tanaji Tanugade (PW-4), Shahaji Kamble (PW-5), and Dnyandeo Desai (PW-7), who claimed to be eyewitnesses, lack credibility and fail to inspire confidence. The learned Counsel further submits that the applicant has been in custody for approximately six years and is willing to cooperate fully with the appeal proceedings, and

prays for his release on bail pending the outcome of the appeal.

5. Ms Kranti Hiwrale, the learned Additional Public Prosecutor representing the respondent/ State, opposing the prayer for bail, argues that the evidence on record, particularly the statements of the eyewitnesses, strongly supports the prosecution's case and does not warrant the grant of bail.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

7. Upon reviewing the records, it appears that this is the third application preferred by the applicant seeking enlargement on bail, pending the hearing and final disposal of the appeal. The first and second bail applications were rejected on merits by this Court vide orders dated 10/09/2020 and 17/01/2023.

8. The records show that as many as five witnesses support the prosecution's case, and their testimonies remain unshaken. The contentions that some of the witnesses were school employees and thus "interested witnesses" does not hold merit, as their accounts are consistent and credible. This Court has considered the cumulative impact of the testimonies of Tanaji Tanugade (PW-4), Shahaji Kamble (PW-5), and Dnyandeo Desai

(PW-7). These witnesses have consistently and unequivocally described the applicant's active role in the commission of the offence. Their statements confirm that the applicant was armed with a firearm, which he used to injure, Pandurang, the deceased, fatally. Further, Dr Reshma Patil (PW-10) confirmed that the deceased suffered multiple pellet injuries, which align with the allegations against the applicant, and her testimony corroborates the accounts of the eyewitnesses. The medical evidence fully supports the prosecution's narrative.

9. The applicant's involvement in the offence punishable by life imprisonment is established based on the evidence. The findings of the trial Court, which imposed the sentence of life imprisonment, are well-reasoned and supported by credible evidence.

10. Given the above, no grounds are made out for suspending the sentence or granting bail to the applicant during the pendency of the appeal. As a result, the application stands rejected.

[Shivkumar Dige,J.]

[R.N. Laddha, J.]