

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

**INTERIM APPLICATION NO.1563 OF 2019
IN
CRIMINAL APPEAL NO.106 OF 2019**

Santosh Dhanpal Kale Applicant

versus

The State of Maharashtra Respondent

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- None present for Applicant.
- Mr. Arfan Sait, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2024**

P.C. :

1. The Applicant was convicted by the Additional Sessions Judge, Sangli, vide his Judgment and order dated 19/10/2018 in Sessions Case No.240/2015 u/s 307 of the Indian Penal Code. He was sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.10,000/-. In default of payment of fine to suffer simple imprisonment for six month. He was also convicted u/s 324 of the Indian Penal Code for which he was sentenced to suffer rigorous imprisonment for one year. He was further

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convicted u/s 504 of the IPC and was sentenced to suffer rigorous imprisonment for six months.

2. The Applicant has preferred Appeal No.106 of 2019, which is pending before this Court. It is already admitted. Earlier the Applicant had filed Criminal Application No.37 of 2019. It was an application for his release on bail. It was rejected by this Court (Coram : A. M. Badar, J.) vide the order dated 14/12/2019. Thereafter this application was filed through jail. It is numbered as Interim Application No.1563 of 2019. During the pendency of this application, the Applicant was released on Covid parole on 15/05/2020. He was supposed to report back to the prison on 30/06/2022. But the Applicant has not returned back to the prison. He is still absconding and for that purpose, the FIR is already lodged. A copy of the report of Superintendent of Kolhapur Central Prison, Kalamba, is produced on record by the learned APP. It is taken on record and marked 'X' for identification.

3. Considering that the Applicant has misused the liberty granted to him and as he is still absconding, this application

cannot be entertained. The application is therefore rejected. The police authorities are directed to take steps to secure his presence.

4. The application is disposed of.

(SARANG V. KOTWAL, J.)