

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

*INTERIM APPLICATION NO. 427 OF 2024
(For Suspension of Sentence and Bail)*

WITH

*INTERIM APPLICATION NO. 2395 OF 2021 (NOT ON BOARD)
(For Early Hearing)*

IN

CRIMINAL APPEAL NO. 123 OF 2016

WITH

CRIMINAL APPEAL NO. 123 OF 2016

Vagya @ Yogesh Ramdas Khade

... Applicant/
Appellant

Versus

The State of Maharashtra

... Respondent

Ms. Nasreen K. Ayubi, Appointed Advocate for the
Applicant/Appellant

Ms. K. T. Hirwale, A.P.P for the Respondent-State

*CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
MONDAY, 6th MAY 2024*

P.C.

1 By this interim application (IA/427/2024) filed by the
advocate appointed through the Legal Aid Committee, the

applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

2 The applicant has been convicted for the offences punishable under Sections 302, 363 and 376 of the Indian Penal Code (`IPC') and has been sentenced to various punishments under the said sections, the maximum being imprisonment for life for the offence punishable under Section 302 of the IPC. The applicant has been convicted for the aforesaid offences and the deceased in question who has been raped and murdered thereafter, was aged 7 years.

3 The prosecution case rests on circumstantial evidence, the circumstance being that of last seen and more particularly, the Chemical Analyser's report which *prima facie* shows the complicity of the applicant in the crime.

4 Considering the aforesaid, the Interim Application No. 427/2024 is rejected.

5 Since the appeal is of the year 2016, the same be added to the final hearing board at its appropriate place, in the week commencing from **10th June 2024**.

6 In view of listing the appeal for final hearing, nothing survives for consideration in the Interim Application No. 2395/2021 for fixing early date of hearing. The same is accordingly disposed of.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.