

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

***INTERIM APPLICATION NO.947 OF 2024
IN
CRIMINAL APPEAL NO. 223 OF 2024***

Sanjay Tanaji Solankar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Sachin Deokar, for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
DATE : 17th APRIL 2024***

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.
3. The applicant, vide Judgment and Order dated 25th January 2024, passed by the learned Additional Sessions Judge, Pune,

in Sessions Case No. 219 of 2021, has been convicted for the offence punishable under Sections 302 of the Indian Penal Code ('IPC') and has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.1,00,000/-, in default, to suffer simple imprisonment for six months. The applicant was however acquitted of the offences punishable under Sections 323, 504 and 506 of the IPC.

4. Perused the application. According to the prosecution, the applicant assaulted his father (deceased) with a copper vessel on his head, pursuant to which, the deceased sustained a bleeding head injury and collapsed. The prosecution in support of its case examined 5 witnesses. As far as PW1-Chandrabhaga Solankar, the grandmother of the applicant and PW3-Alka, a neighbour are concerned, both turned hostile and did not support the prosecution case. It appears that the trial Court has convicted the applicant only on the basis of the 164 statement, so recorded of PW1-Chandrabhaga. It appears from a perusal of the evidence of PW1 that she has stated that the 164 statement was made by her, as told to her by the police. The applicant

is in custody for about 4 ½ years. The appeal is of the year 2024 and the same is not likely to come up for the hearing in the immediate near future.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail on the following terms and conditions:

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his Appeal is finally disposed of;
- 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 Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.