

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

***INTERIM APPLICATION NO.1006 OF 2024
IN
CRIMINAL APPEAL NO.333 OF 2024***

Ramesh Rangalya Devdurg	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Shailesh S. Kharat, for the Applicant.

Mr. K. V. Saste, Addl.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 25th APRIL 2024

P.C. :

1. Heard learned Counsel for the parties.
2. By this interim 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 alongwith other co-accused, vide Judgment and Order dated 25th August 2023, passed by learned Additional Sessions Judge, Pune, in Sessions Case No. 20 of 2012, has been convicted and sentenced as under:-

- for the offence punishable under Section 302 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 120B of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 149 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 364 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.5,000/-, in default, to suffer simple imprisonment for 6 months;
- for the offence punishable under Section 201 of the Indian Penal Code, to suffer imprisonment for 1 year and to pay a fine of

Rs.2,000/-, in default, to suffer simple imprisonment for 1 month;

- for the offence punishable under Section 143 of the Indian Penal Code, to suffer imprisonment for 6 months;
- for the offence punishable under Section 147 of the Indian Penal Code, to suffer imprisonment for one year;
- All the aforesaid sentences were directed to run concurrently.

4. Perused the application. Admittedly, the prosecution case rests on circumstantial evidence. According to the prosecution, a conspiracy was hatched by the accused to kill deceased-Pratik, as accused No.1 wanted to marry Ritika. As far as the applicant is concerned, it appears that the car which was allegedly used in the commission of the offence was taken on hire by the applicant from PW9. Admittedly, PW9 has turned hostile. Although, the persons at the toll naka were examined, nothing has come in the evidence of the said witnesses to show as to who were the persons travelling in the said car. *Prima facie*, there is no evidence that the said car was driven by the applicant or the said car which was seized was used in the

commission of the offence. As far as the conspiracy is concerned, according to the prosecution, there were calls exchanged between the accused. Admittedly, neither the applicant's mobile was seized nor the CDR were produced. Apart from the aforesaid evidence, there is no other evidence pointed out by the learned Additional Public Prosecutor, which would show the complicity of the applicant in the aforesaid crime. As noted earlier, there is also no motive for the applicant to commit the offence. The applicant is in custody for the last 4 years.

5. Considering the evidence on record and the fact that the applicant was on bail pending trial and has not misused or abused the liberty granted to him, 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. 25,000/- 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. Interim 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.