

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

***INTERIM APPLICATION NO. 2623 OF 2023
IN
CRIMINAL APPEAL NO. 1183 OF 2022***

Rohan Bhimrao Rathod

.... Applicant

Versus

State of Maharashtra

.... Respondent

Mr. Anush Shetty i/b Dr. Yug Mohit Chaudhry, for the Applicant.

Ms. P. S. Rane, A.P.P, for the Respondent – State.

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

DATE : 15th MARCH 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 5th February,

2022, passed by the learned Additional Sessions Judge, Solapur, in Sessions Case No. 263 of 2015, has been convicted alongwith the other co-accused, for the offences punishable under Sections 302, 307 and 397 read with 34 of the Indian Penal Code (“IPC”). For the offence punishable under Section 302 of the IPC, the applicant alongwith other co-accused, has been sentenced to undergo rigorous imprisonment for the remainder of the person’s natural life. Other substantive sentences have also been awarded for the other offences. All the sentences were directed to run concurrently.

4. We have perused the evidence of PW-3 and the manner in which the accused entered the car and threw her and her sister out of the vehicle, and fled with the jewelry. PW-3 has in detail set out the manner in which she and her sister were attacked and that in the said attack, her sister died. PW-3 has identified the applicant, who was sitting next to her sister, at the relevant time in the vehicle. PW-3’s sister died. As far as PW-3 is concerned, there was an attempt to kill her, however, she is lucky to have survived.

5. Though, learned Counsel for the applicant submitted that the Test Identification Parade (TIP) was not conducted properly, as mandated, the same which will be considered at the time of final hearing of the aforesaid appeal.

6. Having perused the evidence of PW-3 and the medical evidence on record, this is not a fit case to enlarge the applicant on bail. Accordingly, the Application stands rejected.

7. Application stands disposed of accordingly.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.