

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APPA) NO.1214 OF 2019****IN****CRIMINAL APPEAL NO. 1388 OF 2019**

Munna alias Bhelwala Rajpati Chauhan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Dr. Yug Chaudhry a/w Mr. Anush Shetty for Applicant.

Ms. A.A. Takalkar, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 2nd May 2024.****P.C. :**

(1) This is an Application for suspension of sentence and enlarging the Applicant on bail.

(2) Applicant is convicted under Section 302 of the Indian Penal Code (I.P.C.) for committing murder of Ranjit Rupa Sardar with a knife on 11th May, 2015 at about 08.00 p.m., by the learned Additional Sessions Judge, Palghar in Sessions Case No.65/2015, by its Judgment and Order dated 8th January, 2019.

(3) Perusal of evidence indicates that, the deceased Ranjit Sardar was addicted to liquor and used to demand money from the residents from the area of Masoli, Ghachiyapada, Taluka-Dahanu and on that count there

used to be frequent quarrels between the residents of the said locality. Applicant was a Bhel Vendor. The deceased also used to demand money from the Applicant. On the date and time of the alleged incident, the deceased demanded money from the Applicant, upon which a quarrel ensued. It appears that, the Applicant did not wish to part with his hard earned money to the deceased for satisfying his addiction of liquor and in that quarrel, the Applicant assaulted the deceased Ranjit Sardar with a knife (vegetable/kitchen knife) by giving a blow on the neck of the deceased. The said incident was witnessed by Smt. Sunita S. Macchi (P.W. 5). The deceased got unconscious at the scene of the offence itself. He was declared dead prior to admission in hospital.

(4) The evidence on record *prime facie* indicates that, the alleged offence committed by the Applicant may fall within the purview of Exception-4 of Section 300 of I.P.C. and therefore the said alleged offence may be under Section 304(II) of the I.P.C.

(5) Record indicates that, the Applicant is behind bars since the date of his arrest, i.e. 12th May, 2015 and as of today has undergone approximately 8 years and 3 months in actual incarceration.

(5.1) Dr. Chaudhry, learned counsel for Applicant, submitted that, there are no antecedents at the discredit of the Applicant.

(6) In view of the above and during the pendency of the Appeal, we are inclined to suspend the substantive sentence imposed upon the Applicant

and enlarge him on bail.

(6.1) Hence, the following Order.

(i) Applicant shall be released on bail in Sessions Case No.65/2015 arising out of C.R.No.61/2015, registered with Dahanu Police Station, District Palghar, on his furnishing PR. bond in the sum of Rs.25,000/- with one or two separate local sureties in the like amount.

(ii) After his release from jail and during the pendency of the Appeal, the Applicant shall attend Dahanu Police Station, District Palghar, on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Dahanu Police Station, District Palghar, on every 1st Monday of every 3rd Month between 10:00 a.m. and 12:00 noon. The Applicant thus shall attend Dahanu Police Station, District Palghar, four times in a year during the pendency of the present Appeal.

(iii) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an Application for cancellation of his bail.

(iv) Applicant shall inform his prospective residential address to the trial Court. The Applicant shall keep informed the trial

Court of any change in his residential address and his mobile number, on which he can be contacted.

(v) Applicant shall make himself available at the time of final hearing of the Appeal.

(7) Application is accordingly allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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by RAJESH
VASANT
CHITTEWAN
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