

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

**INTERIM APPLICATION NO. 4180 OF 2023
IN
CRIMINAL APPEAL NO. 1247 OF 2023**

Lahu Laxman Mandale
Vs.
The State Of Maharashtra

.....Applicant

.....Respondent

Mr. Umesh R. Mankapure a/w Adv. Bhawika Shinde for the Applicant.
Mr. S.V. Gavand APB for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 18th JANUARY, 2024.**

PC.:-

- 1) This is an Application for suspension of sentence and releasing the Applicant on bail.
- 2) Perusal of evidence of crucial witness i.e. PW-4, who was a Police Officer, *prima facie* indicates that, the case of the Applicant is covered by the decision of Hon'ble Supreme Court in the case of *Aghnoo Nagesia Vs. State of Bihar, reported in 1966 Cri. L. J. 100*. It further *prima facie* appears that, the Applicant is convicted on the basis of his confession given to the Police Officer, on the basis of which the FIR is lodged and the police immediately proceeded to the scene of offence without recording memorandum of the accused.
- 3) In view of the above, during the pendency of present Appeal, we are inclined to suspend the sentence and release the Applicant on bail.

Hence, the following order:-

ORDER

- (a) During the pendency of present Appeal the substantive sentence imposed upon the Applicant is suspended and he is released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount;
 - (b) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed off;
 - (c) 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;
 - (d) If there are two consecutive defaults in appearing before the trial Court, the prosecution will be at liberty to file an Application for cancellation of his bail.
- 4) Application is allowed in the aforesaid terms.
- 5) All the concerned to act on the basis of an authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)