

disposal of his aforesaid appeal.

3. The applicant, vide Judgment and Order dated 3rd December, 2020, passed by the learned Sessions Judge, Raigad, at Alibag, in Sessions Case No. 54 of 2018, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5,000/-, in default of payment of fine, to suffer simple imprisonment for three months.

4. Perused the papers. The prosecution case essentially rests on the testimony of PW5 – Archana, an eye-witness, to the assault on the deceased. Having perused the evidence of PW5, *prima facie*, we are doubtful whether she can be said to be a reliable witness considering the evidence that has come on record. Apart from the said evidence, there is no other evidence as against the applicant.

5. The applicant is in custody for more than 5½ years.

The appeal is of the year 2024 and is not likely to be heard in the immediate near future.

6. Considering the aforesaid and the fact that the applicant is in custody for more than 5½ years i.e. from 2018, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, 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 four 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.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.