

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

***INTERIM APPLICATION NO. 360 OF 2024
(For Bail / Suspension of Sentence)***

***IN
CRIMINAL APPEAL (ST) NO. 2120 OF 2024***

Prakash Kashinath Patole ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Vilas Bambarde for the Applicant

Mrs. P. P. Shinde, A.P.P for the Respondent No.1-State

Ms. Rashmi Bhandarkar for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
WEDNESDAY, 7th AUGUST 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 28th November 2023 passed by the learned District Judge-1 and Additional Sessions, Nashik, in Sessions Case No. 221/2013 has been convicted for the offence punishable under Sections 307 of the Indian Penal Code (`IPC') and has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 1,00,000/-.

4 Perused the papers. According to the prosecution, on 19th February 2013 at about 10:00 a.m, the applicant gagged his wife-Kavita (PW1) and poured kerosene with a mug on her and set her ablaze, as a result, Kavita sustained superficial burns on the right side of her face extending and crossing her neck, deep burns on chest and back from shoulder to rib cage level, deep burns on the right upper limb and hand and superficial burns on left arm extending to forearm.

5 Learned counsel for the applicant and respondent No. 2 (husband and wife) are residing together for the last 10

years. The respondent No. 2 has also filed her affidavit evidencing the same. She has in her affidavit stated that she has three young children who are entirely dependent on the income of the applicant for their livelihood, education and general welfare. She has further given her no objection for the release of the applicant on bail.

6 It is not in dispute that the applicant was on bail pending trial and that he has not misused or abused the conditions of bail imposed on him. The appeal has been admitted by a separate order dated 8th April 2024 and is not likely to be heard in the immediate near future. It also appears that the sentence awarded of life imprisonment is on the higher side for the offence under Section 307 of the IPC.

7 Considering the peculiar facts of the case, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail on the following conditions:

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 10,000/- 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.

8 The application is accordingly disposed of.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.