

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1002 OF 2024
IN
APPEAL NO. 313 OF 2024

Bhaskar Ramesh Burange

.. Applicant/
Appellant

v/s.

State of Maharashtra

.. Respondent

Mr. Akshay Shah for the Applicant/Appellant.

Mrs. P.P. Shinde, APP for the Respondent-State.

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI
RAJESH MANE
Date: 2024.07.16
11:27:07 +0530

*CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.
DATE : 10th JULY, 2024.*

P.C. :

- 1) Heard learned counsel for the parties.
- 2) By this interim application, the applicant seeks suspension of sentence and enlargement on bail, pending the hearing and final disposed of his aforesaid Appeal.

3) The applicant, vide judgment and order dated 21st February 2023 passed by the learned Additional Sessions Judge, Nasik in Sessions Case No. 152 of 2020 has been convicted for the offence punishable under Section 302 of the IPC and is sentenced to suffer imprisonment for life and to pay a fine of Rs.1000/-, in default to undergo rigorous imprisonment for Six months. The applicant has however been acquitted of the offence punishable under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013. It appears that there were two more co-accused in the said case i.e. Subhash Baburao Charoskar (Accused No.2) and Rangnath Shivram Dagale (Accused No.3), who were acquitted of all the offences by the trial Court.

4) Perused the papers. The prosecution case rests on two eyewitnesses i.e. PW 4 and PW 5 and on recovery of axe and clothes, at the behest of the applicant. We have perused the evidence of PW 4-Navsu Burange and PW 5-Balwant Ragho Bharsat. Although, PW 4-Navsu Burange has in his evidence stated that he witnessed the applicant assaulting the deceased-Trymbak with an axe on his head, his cross-

examination would reveal that despite being the brother-in-law of the deceased, he had not disclosed the said incident to any person on 27th December 2019. PW 4-Navsu in his evidence has categorically admitted that he had not inform the incident to any one in the village nor the Police, despite the fact, that police persons were present, at the funeral of the deceased.

5) As far as the evidence of PW 5-Balwant is concerned he has stated that he saw the applicant assaulting deceased Trymbak on his head with an axe. However, in his cross-examination, he too has not disclosed the incident to any person till 27th December 2019, although, about 100 to 150 persons and 7 to 8 Police persons were present at the time of funeral. The explanation offered by both the witnesses for not informing any person is that the villagers were already knowing about the incident. Prima facie, we find that the said non-disclosure to be unusual. Thus, the only evidence that remains is recovery of an axe and bloodstained clothes at the instance of the applicant.

6) Considering the aforesaid and the fact, that the applicant is

in custody since his arrest for more than 4½ years, 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 aforesaid appeal, on the following terms and conditions:

ORDER

- i) The Applicant – Bhaskar Ramesh Burange be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- 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.

7) Interim Application is allowed in the aforesaid terms and accordingly disposed.

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

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.