

Sessions Judge, Pune, in Sessions Case No. 20 of 2012, has been convicted and sentenced as under:-

- for the offence punishable under Section 302 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 120B of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 149 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer simple imprisonment for 1 year;
- for the offence punishable under Section 364 of the Indian Penal Code, to suffer life imprisonment and to pay a fine of Rs.5,000/-, in default, to suffer simple imprisonment for 6 months;
- for the offence punishable under Section 201 of the Indian Penal Code, to suffer imprisonment for 1 year and to pay a fine of Rs.2,000/-, in default, to suffer simple imprisonment for 1 month;

- for the offence punishable under Section 143 of the Indian Penal Code, to suffer imprisonment for 6 months;
- for the offence punishable under Section 147 of the Indian Penal Code, to suffer imprisonment for one year;
- All the aforesaid sentences were directed to run concurrently.

4. Perused the application. Admittedly, the prosecution case rests on circumstantial evidence. According to the prosecution, a conspiracy was hatched by the accused to kill deceased-Pratik, as accused No.1-Pravin wanted to marry Ritika. According to the prosecution, the evidence *qua* the applicant, is that of exchange of calls between the applicant and the other co-accused i.e. evidence of CDR.

5. Learned counsel for the applicant submits that except the evidence of CDR, there is no other evidence to connect the applicant with the alleged offence. He submits that infact PW16-Dhananjay Yadav, the Nodal Officer, has in his evidence deposed that the mobile

in question from which the calls were allegedly exchanged between the applicant and the co-accused was on a mobile registered in the name of one Rajankeet Nagare and not in the name of the applicant. He submits that apart from the said evidence, there is no other evidence against the applicant.

6. Learned Additional Public Prosecutor does not dispute that except the CDR, there is no other material to connect the applicant with the alleged offence.

7. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the aforesaid 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 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. Interim Application is allowed in the aforesaid terms and is accordingly disposed of.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.