

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 1415 OF 2024
IN
CRIMINAL APPEAL NO. 424 OF 2024**

Ramdas Shankar Budhar .. Applicant

Vs.

The State of Maharashtra .. Respondent

....
Mr. M.V. Thorat, appointed advocate for the applicant /
appellant

Mr. Ajay S. Patil, APP for the respondent – State

....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 20th AUGUST, 2024.

P.C.

1. Heard learned Counsel for the parties.
2. By this Interim 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 27.09.2023

passed by the learned Additional Sessions Judge, Thane in Sessions Case No.441 of 2016, 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 to suffer simple imprisonment for six months.

4. Perused the papers. Admittedly, the prosecution case rests on the circumstantial evidence i.e. the applicant being seen in the vicinity after the incident by PW-6 Vasant Jayram Pithole and PW-10 Sakharam Sonya Bhoys and recovery of blood stained axe at the instance of the applicant. Perused the evidence of PW-6 and PW-10. It appears that they had seen the accused in the vicinity on 05.03.2016. The said witnesses have stated that the accused had covered himself with a red and black coloured blanket. None of these witnesses have stated that the applicant was carrying any weapon. No motive has come on record as to why the applicant assaulted the victim, nor is there any evidence of last seen together. The applicant is in custody from 10.03.2016, for about 8 years. The appeal is of the year 2024

and is not likely to be heard in the near future.

5. 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 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. 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.

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

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

(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)