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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1456 OF 2024
IN
CRIMINAL APPEAL NO.364 OF 2024

1. Shantaram Navaji Ravate ...
2. Maruti Navaji Ravate Applicants
versus
The State of Maharashtra & Anr. Respondents

Mr.Hrishi Ghorpade with Mr.Omkar Khedekar, Shubham Kandile,
Karan Parmar, Prasad Kulkarni i/b Shailesh Mhaske for the Applicants.

Mr. K. V. Saste, Addl.P.P. for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.**

DATE : 27th JUNE, 2024

P.C. :

1. Heard learned counsel for the respective parties.
2. By this application, the applicants seek suspension of their sentence and enlargement of bail, pending the hearing and final disposal of their aforesaid Appeal.
3. The applicants alongwith other co-accused have been convicted by the learned Additional Sessions Judge-1, Khed-

Rajgurunagar, Pune vide judgment and order dated 12th March, 2024 passed in Sessions Case No.11 of 2015, for the offence punishable under Sections 302 r/w 149, 447 r/w 149, 324 r/w 149, 323 r/w 149, 506 r/w 149, 323 r/w 147, 447 r/w 147, 143, 447, 149, 323, 324 of I.P.C. Separate substantive sentences have been awarded for various offences. As far as Section 302 r/w 149 of I.P.C. is concerned, the applicants alongwith other co-accused have been sentenced to suffer life imprisonment.

4. Perused the papers. It appears that out of 13 accused, who were prosecuted in said case, 7 accused, including the two applicants have been convicted for the offence punishable under Section 302 r/w 149 of the IPC and other sections.

5. The prosecution case rests on eye witnesses i.e. on the evidence of P.W.1, P.W.2 and P.W.3. According to the prosecution, the incident took place on 30th July, 2014 at about 11 a.m. It is the prosecution case that all the accused including the applicants came to the field of P.W.1 with sticks and questioned them, as to how they were harvesting the crop. It appears that there was an exchange of abuses

between the parties, pursuant to which the applicants assaulted Maruti Rade with sticks on his head and neck. P.W.1-Yashwant Maruti Rade, P.W.2-Sakhubai Maruti Rade and P.W.3-Rupa Devji Rade are also alleged to have sustained injuries, albeit simple injuries, in the said incident.

6. A perusal of the post mortem report reveals that there is not a single external injury mentioned in column No.17 of the post mortem report. The cause of death is stated to be “Death due to head injury associated with --blunt trauma to neck”. According to the learned counsel for the applicants, taking the prosecution case as it stands, no offence under Section 302 is disclosed and if at all, the offence could be a lesser offence. He submits that the applicants are in custody for about 10 years.

7. Considering the aforesaid, the application is allowed and the applicants’ sentences are suspended and they are enlarged on bail, pending the hearing and final disposal of their Appeal, on the following terms and conditions :-

ORDER

- i) The Applicants 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 Applicants 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 Applicants shall keep the trial Court informed of their 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.

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.