

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

***INTERIM APPLICATION NO. 2440 OF 2024
IN
CRIMINAL APPEAL NO.646 OF 2024***

Shankarsingh Ratansingh Mehra ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Arun Rajput for the Applicant

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

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
TUESDAY, 1st OCTOBER 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

30th March 2024 passed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, in Sessions Case No. 199/2016 has been convicted and sentenced for the offence punishable under Section 302 of the Indian Penal Code (`IPC`), to suffer rigorous imprisonment for life and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for one year.

4 Perused the papers. The prosecution case essentially rests on direct evidence i.e. evidence of the eye-witness Surajsingh Mehra (PW1). From the said evidence, it appears that the incident took place at the residence of the deceased whilst they were watching a movie. In the said incident, the applicant stabbed the deceased Kamalsingh with a knife on his chest and thereafter ran away from the spot.

5 Learned counsel for the applicant submitted that taking the prosecution case as it is, no offence under Section 302

of the IPC is disclosed, and if at all, the offence would be a lesser offence. It is not in dispute that the applicant is in custody for about 8 years and 8 months. The appeal is of the year 2024 and is not likely to be heard in the immediate near future.

6 Considering what is stated herein-above, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail 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 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 The application is accordingly disposed of.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.