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3. The applicant, vide Judgment and Order dated 15th April, 2024, passed by the learned Additional Sessions Judge, Pune, in Sessions Case No. 857 of 2018, has been convicted for the offences punishable under Sections 302, 341, 201 of the Indian Penal Code. For the offence punishable under Section 302 of the Indian Penal Code, the applicant has been sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default of payment of fine, to suffer rigorous imprisonment for 6 months. Separate substantive sentences have been awarded for each of the offences. All the sentences were directed to run concurrently.

4. Perused the papers. It appears that there were four accused who were tried in the aforesaid case. Out of the four accused, one accused i.e. original accused No.1 died pending trial; original accused No.3 was acquitted and original accused No.2 was convicted for the offence punishable under Section 404 of the Indian Penal Code. Although, the prosecution examined one eye-witness to the

incident, in question, the said witness turned hostile and as such, did not support the prosecution case.

5. As far as, circumstantial evidence is concerned, it appears that there is recovery of a knife and burnt clothes of the applicant i.e. track pant and burnt clothes, at the instance of the applicant. As far as, recovery of a knife is concerned, no blood stains were found on the knife. Another circumstance relied upon by the prosecution is the CCTV footage. The said CCTV footage shows that on the intervening night of 3rd and 4th June, 2018, the deceased was riding pillion on the applicant's motorcycle. Admittedly, there is no motive that has come on record.

6. The applicant was on bail, pending trial and it is not in dispute that the applicant has not abused or misused the liberty granted to him.

7. Considering the aforesaid evidence on record, the fact that the applicant was on bail pending trial and the fact, that the appeal is

of the year 2024 and is not likely to be heard in the immediate near future, 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. 25,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in three 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. 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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.