

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2805 OF 2024
IN
CRIMINAL APPEAL NO. 712 OF 2024

Sachin Pandurang Shevankar @ Bhat ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr.Nitin Sejpai a/w Ms. Akshata Desai, for the Applicant.

Ms. Gauri S. Rao, APP, for the Respondent-State.

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

DATE : 10th September, 2024.

P.C:

Heard learned counsel for the parties.

2 By this 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 24th June, 2024 passed by the learned Sessions Judge, City Civil Court, Mumbai, in

Sessions Case No.503 of 2017, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to suffer imprisonment for life and to pay a fine of Rs.75,000/-, in default, to suffer rigorous imprisonment for two months.

4 Perused the papers. The prosecution case essentially rests on the evidence of eye witnesses viz. PW-1-Imran Nasir Shaikh; brother of the deceased, and PW-2-Wasim Badruddin Shaikh. The incident in question took place on 30th April, 2017, at about 11:00 – 11:30 p.m. From the evidence of the PW-2-Wasim, it appears that the deceased Irfan and the applicant were friends; that the incident took place at spur of the moment; that in the quarrel, the applicant picked up a beer bottle and stabbed Irfan i.e. the deceased on his neck, pursuant to which, Irfan succumbed to the injury.

5 Learned Counsel for the applicant submits that no offence under Section 302 of the IPC is made out against the applicant. He submits that at the highest the offence will be a lesser offence but, certainly not one under Section 302 of the IPC.

6 It is not in dispute that the applicant is in incarceration for more than 7 and ½ years. Since the applicant's appeal is of 2024, the same is not likely to be heard in the immediate near future.

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 his appeal, on the following terms and conditions;

ORDER

- i) The Applicant – Sachin Pandurang Shevankar @ Bhat 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 accordingly disposed of.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]