

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

***INTERIM APPLICATION NO. 2911 OF 2024
(For Bail/Suspension of Sentence)***

***IN
CRIMINAL APPEAL NO. 369 OF 2024***

1. Laxman Shantaram Ravate
2. Tanaji Navaji Ravate
3. Dattu Navaji Ravate
4. Gulab Yuvraj Sabale
5. Madhukar Navaji Ravate ... Applicants

Versus

1. The State Of Maharashtra
2. Sakhubai Rade ... Respondents

Mr. Hrishikesh Gharpade a/w Mr. Anup Patil i/b Mr. Shailesh
Mhaske for the Applicants

Mr. K. V. Saste, Addl. P.P for the Respondent No.1-State

None for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
TUESDAY, 27th AUGUST 2024**

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek suspension of their sentences and enlargement on 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.11/2015, 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 the Indian Penal Code (`IPC'). Separate substantive sentences have been awarded for various offences.

As far as Section 302 r/w 149 of IPC is concerned, the applicants alongwith other co-accused have been sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.1,000/- each, in default, to suffer simple imprisonment for 15 days.

4 Learned counsel for the applicants seeks bail on the ground of parity. He submits that sentences of similarly placed co-accused i.e. Shantaram Ravate and Maruti Ravate have been suspended and they have been enlarged on bail by this Court vide order dated 27th June 2024.

5 Mr. Saste, learned Additional Public Prosecutor does not dispute the same.

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

7 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 11:00 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.

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”.

8 According to the learned counsel for the applicants, taking the prosecution case as it stands, the offence, if any, would be a lesser offence and not an offence under Section 302 of the IPC. He submits that the **applicant Nos. 1 to 4 are in custody for**

about 11 months and applicant No. 5 is in custody for about 9 months.

9 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/- each, 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 their Appeal is finally disposed of;

- iii) The Applicants shall keep the trial Court informed of their current addresses and mobile contact numbers

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.

10 The Application is accordingly disposed of in the aforesaid terms.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.