

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3208 OF 2024
IN
CRIMINAL APPEAL NO. 744 OF 2018

Ankush Sanjay Medhekar Applicant

V/s.

The State of Maharashtra Respondent

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Mr.Chintan Shah i/b Ms.Shobana Syed, for the
Applicant/Appellant.
Mr.K.V. Saste, APP, for Respondent-State.

CORAM : REVATI MOHITE DERE &
SHIVKUMAR DIGE, JJ.

DATE : 12th DECEMBER 2024

P.C:-

. Heard learned Counsel for the respective parties.

2. By this Interim Application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

3. The applicant vide judgment and order dated 23rd February 2018 passed by the learned Additional Sessions Judge,

Thane in Sessions Case No.687 of 2012, has been convicted for the offences punishable under Section 302 and 392 of the Indian Penal Code. For the offence punishable under Section 302, the Applicant is sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.1000/- in default, to suffer further rigorous imprisonment for three months. Separate sentence has been awarded for the offence punishable under Section 392. Both the sentences have been directed to run concurrently.

4. Perused the papers. The prosecution case rests on circumstantial evidence. The only circumstance against the Applicant is, recovery of a wallet, mobile phone and chain of the deceased at the instance of the Applicant, who was apprehended two months post the incident. Apart from the said evidence, there is no other circumstance as against the Applicant.

5. Even the learned APP has not been able to point out any other circumstance apart from what was pointed out by the learned counsel for the Applicant. It is not in dispute that the Applicant is in custody for 12 years and six months.

6. The Applicant has antecedents i.e. in one case he has been acquitted, and in three other cases he has been released on bail and the trial is yet to commence.

7. Considering the aforesaid evidence and in particular the long incarceration of the Applicant, the Application is allowed and the Applicant's sentence is suspended and he is enlarged on bail pending the hearing and final disposal of this aforesaid 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 concerned 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.

[SHIVKUMAR DIGE, J.]

[REVATI MOHITE DERE, J.]