

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

***INTERIM APPLICATION NO.3239 OF 2024
IN
CRIMINAL APPEAL NO.250 OF 2024***

Sachin Yeshudas Bhalerao

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Mateen Shaikh a/w Mr. Kshirsagar Srinivas, Ms. Muskan Shaikh, Ms. Kirti Champanakar, Ms. Afrin Khan, Mr. Arshad Shaikh, Ms. Farzana Sawant, Mr. Jammu Shaikh, Mr. Razique Shaikh and Mr. Adil Shaikh, for the Applicant.

Mr. V. N. Sagare, A.P.P for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 8th OCTOBER 2024

P.C. :

1. 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 3rd February 2024, passed by the learned Additional Sessions Judge, Pune in Sessions Case No. 536 of 2018, has been convicted for the offences punishable under Sections 302, 201 and 380 of the Indian Penal Code. Separate sentences have been awarded for different offences, the maximum being for the offence punishable under Section 302 of the Indian Penal Code, which is imprisonment for life.

4. Perused the papers. The prosecution case essentially rests on circumstantial evidence. The circumstances alleged against the applicant are been seen in the CCTV footage going and coming on a motorcycle from near the spot of the incident and recovery of Rs.38,000/- at the instance of the applicant. Apart from the aforesaid circumstances, learned counsel for the applicant submits that there are no other circumstances.

5. Learned APP is also unable to point out any other circumstance, apart from the aforesaid two circumstances. The

applicant has been incarcerated for last six years. The appeal is of the year 2024 and the same is not likely to come up for the hearing in the immediate near future.

6. Considering what is stated 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 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 the 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 allowed in the aforesaid terms and is accordingly disposed of.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.