

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL INTERIM APPLICATION NO. 3290 OF 2024****IN****CRIMINAL APPEAL STAMP NO. 15094 OF 2024**

Bapu @ Chandrdakant Bandu Bhondave

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Mr. Pramod Kathane a/w. Mr. Prabhakar Ranshur, Mr. Manoj Sawardekar, Mr. Sanjeev Sandhu, Mr. Amol Ghurde, Mr. Sahudev Kale, Advocates for the Applicant.

Mr. Shrikant H. Yadav, APP for Respondent -State.

Mr. Kamran Shaikh a/w. Mr. Nikiteshkumar Kotangale i/b. Vaibhavi Daware, Advocates for Intervenor.

CORAM : SHIVKUMAR DIGE, J.**DATED : 24th OCTOBER, 2024.****P.C. :**

1. By this application, applicant is seeking suspension of sentence and bail in Sessions Case No. 434 of 2007.
2. The applicant is convicted for the offences punishable under Section 143, 147, 148, 149 and 307 of Indian Penal Code, 1860 (for short "IPC") along with co-accused. They are sentenced to suffer rigorous imprisonment of 7 years and to pay fine of Rs.1,00,000/- each, in default of payment of fine, to suffer simple imprisonment of six months.
3. Learned counsel for the applicant submits that no specific role is attributed to the applicant for the offence, only PW-1 in her deposition has

stated that there was enmity between accused No.1, applicant and victim. There is no recovery at the instance of the applicant. Applicant is behind bar more than 13 months. During trial he was on bail. He has not misused the liberty hence requested to allow the application.

4. Learned APP submits that applicant along with co-accused assaulted the victim with deadly weapons with intention to kill him. The prosecution has proved the case against them accordingly he has been convicted. If he released on bail he may abscond, hence requested to reject the application.

5. It is contention of learned counsel for intervenor that applicant was part of group who assaulted the victim. They tried to kill the victim. There was involvement of the applicant in the crime, hence requested to reject the application.

6. I have heard all learned counsel. Perused the Judgment and Order passed by the Sessions Judge, Pune and deposition of the witnesses produced on record. PW-1 Shahnaj Shaikh, in her statement has stated that there was enmity between applicant, accused No.1 and victim and on that ground victim was assaulted by the applicant and co-accused. There is no recovery of weapon at the instance of the applicant. Applicant is behind bar more than 13 months. During trial he was on bail, he has not misused the liberty. It may take time to dispose of the appeal. Considering

these facts, I am inclined to allow the application and I pass following order.

7. In view of above, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the 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 on or two sureties in the like amount.

8. The Interim application is allowed in the aforesaid terms and is accordingly disposed of.

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

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2024.10.25
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+0700

(SHIVKUMAR DIGE, J.)