

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 3430 OF 2024
IN
CRIMINAL APPEAL NO. 933 OF 2024**

Vijaykumar Rajendra Patil .. Applicant
Vs.
The State of Maharashtra .. Respondent

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Mr. Viresh Purwant a/w Mr. Suraj Gadkari for the applicant

Mr. K.V. Saste, Addl. PP for the respondent – State

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

DATE : 4th DECEMBER, 2024.

P.C.

1. Heard learned Counsel for the 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 alongwith another co-accused has been

convicted by the learned Additional Sessions Judge, Solapur vide Judgment and Order dated 07.06.2024 passed in Sessions Case No. 250 of 2021 for the offence punishable under Sections 302, 201 r/w 34 of the IPC. For the offence punishable under Section 302 of the IPC, the applicant has been sentenced to suffer imprisonment for life and to pay fine of Rs.10,000/-, in default to suffer further RI for one year and for the offence punishable under Section 201 of the IPC, the applicant has been sentenced to suffer RI for 3 years and to pay fine of Rs.1,000/-, in default to suffer RI for six months. Both sentences are directed to run concurrently.

4. Perused the papers. The prosecution case rests on circumstantial evidence. The prosecution in support of its case, has relied on two circumstances *qua* the applicant i.e. alleged confessional statement made by the applicant before the Police i.e. PW-8 Siraj Dastgir Mulani; and recovery of a belt with which the deceased was assaulted by the applicant. We have perused the alleged confessional statement. The same is clearly inadmissible having been made before the Police Officer. So far

as recovery of Belt at the instant of the applicant is concerned, the same is not found to be blood stained.

5. Considering the aforesaid circumstances and the fact that the applicant was on bail, pending trial, and there is nothing placed on record before us to show that the applicant has abused or misused the conditions of bail, 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 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.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)