

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3469 OF 2024
IN
CRIMINAL APPEAL NO. 446 OF 2019

Sangram Raghunath More .. Applicant
Versus
The State Of Maharashtra .. Respondent

...

Mr. Hrishikesh Mundargi a/w Ms. Pravada Ruat, for the Applicant.

Mr. S. U. Gavand, A.P.P. for the State/Respondent.

...

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th SEPTEMBER, 2024

P.C:-

1. In an earlier round, the Criminal Application filed by the present Applicant (Criminal Application No. 1316 of 2019 in Criminal Appeal No. 446 of 2019) was rejected on 03.02.2020, by the Division Bench, by recording that there is a eye witness to the incident and since he had deposed that the Applicant alongwith the three convicted accused brought the deceased Samir in injured state, carrying on the motor cycle and kept him on the road and Samir had sustained injuries and his clothes were stained with blood.

2. This is an Application moved for the second time seeking the very same relief of suspension of sentence and for his enlargement on bail, since the Appeal filed by him is not yet taken up for hearing and on one more ground i.e. co-accused Akash Pawar has been released on bail by this Court on 02.07.2024, when the Interim Application No. 1726 of 2024 filed by him in the Criminal Appeal No.1093 of 2023 is allowed.

In addition, another co-accused Akash Varne, accused No.4 was also convicted for committing an offence punishable under Section 302 of the IPC and sentenced to life imprisonment, was also directed to be released on bail on 14.08.2024, when Interim Application No. 2958 of 2024 filed by him was allowed.

The order in case of Akash Varne is based on parity with co-accused Akash Pawar who was earlier released on bail.

3. Our attention is invited to a detailed order dated 02.07.2024 specifically focusing attention on PW-9 and his testimony which contradict PW-1 and also the fact that PW-1, the informant, in his cross-examination has admitted that since it was dark, he could not see and he had not personally seen the assault on Samir and was unaware as to how he died. In his statement recorded under Section 164 of the Cr.P.C., he had categorically stated that he had not seen the incident and he being friend of Samir, as per the say of police he has given the statement before the Judicial Magistrate First Class and the complaint.

Finding that, in the wake of this clear admissions

by the key witness of the prosecution, the case of the prosecution appear to be doubtful and since the Appeal is already admitted, we deem it appropriate to extend the benefit of our order dated 02.07.2024 even to this co-accused.

4. Mr. Gavand, the learned A.P.P. representing the State do not dispute of the ground of parity. It is also not disputed that the Appeal is pending since 2019 and therefore we deem it appropriate to enlarge the present Applicant on bail by passing the following order :

ORDER

- (i) Interim Application is allowed.
- (ii) The sentence imposed upon the applicant vide the impugned Judgment dated 18.02.2019 in Sessions Case No. 09/2016, is hereby suspended during the pendency of the Appeal.
- (iii) The Applicant Sangram More shall be released on bail in connection with C.R. No.149 of 2015 (SC No. 09/2016) registered with Ashta Police Station, Sangli, on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.
- (iv) The Applicant shall report to the concerned Police Station on first Monday of every three months between 05:00 p.m. to 06:00 p.m.
- (v) Upon release, the Applicant shall furnish his contact number and permanent residential

address to the Investigating Officer and shall keep him updated in case of any change.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)