

UDAY
SHIVAJI
JAGTAP

Digitally
signed by
UDAY
SHIVAJI
JAGTAP
Date:
2024.10.23
16:25:42
+0530

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 3769 OF 2024
IN
CRIMINAL APPEAL NO. 1070 OF 2022**

Nikita Sanjay Kangane .. Applicant

Vs.

The State of Maharashtra .. Respondent

....

Mr. Yuvraj Tajane for the applicant

Mrs. P.P. Shinde, APP for the respondent – State

....

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

DATE : 22nd OCTOBER, 2024.

P.C.

1. Heard learned Counsel for the parties.
2. By this Interim Application, the applicant seeks suspension of her sentence and enlargement on bail, pending the hearing and final disposal of the appeal.
3. The applicant, vide judgment and order dated 07.12.2019 passed by the learned Additional Sessions Judge, Pune in Sessions Case No. 729 of 2016 has been convicted for the offences

punishable under Sections 302, 342 and 201 of the Indian Penal Code. For the offence punishable under Section 302 of the IPC, the applicant has been sentenced to suffer imprisonment for life. Separate sentences have been awarded for the other offences. All sentences have been directed to run concurrently.

4. Perused the application. The prosecution case essentially rests on circumstantial evidence. Initially, five accused were prosecuted in the said case. Accused nos.3 to 5 were acquitted for the offences punishable under Sections 302, 342, 363, 364, 365 and 201 r/w 34 of the I.P.C. after a full-fledged trial. Thus, the applicant is the only one, who has been convicted as stated aforesaid. The prosecution case essentially rests on the disclosure statement made by the applicant under Section 27 of the Evidence Act, pursuant to which the dead body of the deceased was discovered and the deceased's son was found in the applicant's brother's house. No motive has come on record. The applicant is in custody for more than 8 years. The appeal is of the year 2022 and is not likely to be heard in the near future.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of the 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.5,000/- with one surety in the like amount;
- ii) The applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till her Appeal is finally disposed of;
- iii) The applicant shall keep the trial Court informed of her 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.)