

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

**INTERIM APPLICATION NO.2653 OF 2025
IN
CRIMINAL APPEAL NO.745 OF 2025**

Devendra @ Raj Ramlal Gurjar Applicant

versus

The State of Maharashtra Respondent

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- Mr. Manoj Bagal, Advocate for Applicant.
- Mr. Pankaj P. Devkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd JULY, 2025**

P.C. :

1. This is an application for suspension of sentence and grant of bail during the pendency of Appeal. The Applicant was the original accused No.4 in Sessions Case No.260/2023, before the learned Additional Sessions Judge, Barshi. The learned Judge vide his Judgment and Order dated 20/05/2025 convicted the Applicant for commission of the offence punishable u/s 380 r/w 34 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for five years and

to pay a fine of Rs.2,000/- and in default of payment of fine to suffer simple imprisonment for one month. The Applicant was also convicted for commission of the offence punishable u/s 454 r/w 34 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.2,000/- and in default of payment of fine to suffer simple imprisonment for one month.

2. Heard Mr. Manoj Bagal, learned counsel for the Applicant and Mr. Pankaj P. Devkar, learned APP for the State.
3. The prosecution case is that on 06/04/2023 the accused entered the informant's house when there was nobody present from the family of the informant. They committed theft of gold ornaments and cash of Rs.60,000/-. The value of the stolen ornaments and cash together was around Rs.7,89,500/-. The offenders also took away two ATM cards. The FIR was registered vide C.R.No.258/2023 at Barshi City Police Station. The investigation was handed over to local Crime Branch. The present Applicant and three others were arrested. On

19/04/2023 the other accused were arrested and the present Applicant was arrested on 27/04/2023. Since then he is in custody.

4. Learned counsel for the Applicant submitted that there is hardly any evidence against the present Applicant. CCTV footage was not clear. The identification of the persons who had entered the informant's house, is not established. The only evidence against the Applicant that he had deposited some amount in the bank, which the prosecution wants to relate to the present offence. Apart from that, there is no evidence against him. He further submitted that the Applicant is in custody for more than 2 years and 2 months. The maximum sentence is of 5 years. On these grounds, he is seeking bail.

5. Learned APP opposed these submissions. He has pointed out that the defence Advocate had not disputed the identity of the accused, when the P.W.1 was examined. He submitted that there is direct connection of the present Applicant with the offence.

6. I have considered these submissions. The role of the Applicant is discussed by learned Judge in paragraph No.57 of his impugned judgment. According to the prosecution, the Applicant had deposited Rs.5,00,000/- in SBI Bank account. Out of which Rs.30,000/- were related to the present crime and remaining amount of Rs.4,70,000/- was related to other offence committed in Sangli. The receipt of the deposited amount was seized from the present Applicant by the Investigating Officer. Therefore, according to the prosecution, the Applicant had actually participated in the crime.

7. This particular observation made by the learned Trial Judge will have to be considered at the stage of final hearing. It is also necessary to see how the prosecution is connecting the amount of Rs.30,000/- deposited in the bank to the amount stolen from the informant's house. All these issues will have to be decided at the stage of final hearing. The Applicant is already in custody for more than 2 years and 2 months. The maximum sentence imposed on him is 5 years. The Appeal is not likely to

be decided during the balance period of Applicant's sentence.

Therefore, I am inclined to grant bail to the Applicant.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.745 of 2025, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)