IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4454 OF 2024

IN

CRIMINAL APPEAL NO.1151 OF 2024

Shankar Bajrang Shinde .....Applicant
In the Matter in Between:
Shankar Bajrang Shinde .....Appellant
Vs.
The State of Maharashtra & Anr. .....Respondents

Mr. Shailesh Chavan i/b Mr. Milind Deshmukh, for the Applicant.
Mr. K. V. Saste, Addl. PP for Respondent-State

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
Date : 1st APRIL 2025.

P.C.:-

1. By this Interim Application, the Applicant aged 80 years, seeks suspension of his sentence and enlargement on bail pending the hearing and final disposal of the aforesaid appeal.

2. The Applicant vide judgment and order dated 17th October 2024 passed by the learned Addl. Sessions Judge, Vaduj in Sessions

Case No.28/2012 has been convicted for the offence punishable under Section 302 of the IPC and is sentenced to suffer rigorous imprisonment (RI) for life and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for three months.

3. Perused the papers. The prosecution case rests essentially on circumstantial evidence, since two witnesses whose evidence would have thrown light on the Applicant's complicity turned hostile.

4. It is the prosecution case that the Applicant assaulted his daughter- Asha with an iron pipe and wooden log on 19th February 2012.

5. According to the prosecution, the Applicant and his family members were trying to convince Asha to marry a person of their choice, however, Asha did not respond to the same and Asha disclosed that she would marry a person of another caste. It is alleged that pursuant thereto, the applicant entered Asha's bed-room, where Asha was sleeping, armed with an iron pipe and wooden log and assaulted Asha on her head. The Applicant's daughter-in-law and one neighbor turned hostile and as such, did not support the prosecution's

case. Thus, the only evidence qua the applicant is finding of blood stains on his shirt and of motive.

6. The prosecution examined PW/4 Ganesh to prove motive. However, it is pertinent to note that in the cross-examination in Para 4, PW/4 has admitted that the deceased had never disclosed to him that her relatives were also opposing her marriage.

7. The Applicant was on bail pending trial. Considering the age of the Applicant and the fact, that the appeal is of the year 2024 and is not likely to be heard in the near future, 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.15,000/-, with one or two sureties 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 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 off.

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

(DR. NEELA GOKHALE, J.) **(REVATI MOHITE DERE, J.)**