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

Interim Application No.4510 of 2024

In

Criminal Appeal No.1160 of 2024

Vilas Kashinath Rathod

Age about 25 years,

Occupation - Labour Work/Mukadam,

R/o. Presently at Korle Khind

On the Crusher of Sharad Lakhan at Bhambed,

Tal. Lanja, District – Ratnagiri

Native Place at Toravi, ALT 3,

Tal. Dist. Vijapur,

State-Karnataka

... Applicant

versus

The State of Maharashtra

(at the instance of CR No.47/2020

registered with Lanja Police Station,

Tal. Lanja, Dist. Ratnagiri)

... Respondent

Mr Amit Mane, a/w. Mr Mohan Devkule, Mr Mohit Dalvi and

Ms Smita Samel, i/b. Rakesh Bhatkar, for the applicant.

Dr Ashwini A Takalkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 24 January 2025.

P.C.:

. Heard Mr Amit Mane, the learned Counsel appearing on

behalf of the applicant; and Dr Ashwini Takalkar, the learned Additional Public Prosecutor representing the respondent/State.

2. The applicant faced trial in Sessions Case No.23 of 2021 for the offences punishable under Sections 307, 323, 504 and 506 of the Indian Penal Code ('IPC'). Vide the judgment and order dated 24 September 2024, the trial court convicted the applicant for the offence punishable under Section 307 of the Indian Penal Code and was sentenced him to suffer rigorous imprisonment of five years and a fine of Rs.3000/- with a default stipulation.

3. Being aggrieved, the applicant preferred an appeal before this Court, and by the present application, the applicant seeks suspension of sentence and his release on bail.

4. Mr Amit Mane, the learned Counsel appearing on behalf of the applicant, highlighting the alleged deficiencies in the prosecution's case, submits that the applicant was on bail during the pendency of the trial. According to the learned Counsel, there is a significant contradiction in the injured testimony. The injured initially stated that he sustained an injury above his right ear, but in his police statement, he mentioned an injury above his left ear. The incident took place

near a stone crusher, where sharp-edged stones were lying around. The injured fell on these stones, resulting in accidental injuries. The applicant has been in custody since 24 September 2024.

5. Dr Ashwini Takalkar, the learned Additional Public Prosecutor for the respondent State, opposed the applicant's request and emphasised the gravity of the offence. She contends that the evidence on record strongly supports the prosecution's case and does not warrant suspension of sentence and the applicant's release on bail.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the record.

7. In the present case, the applicant is required to undergo rigorous imprisonment for five years under Section 307 of the Indian Penal Code. The appeal has been filed in the year 2024, and is unlikely to be heard in the near future. The applicant was on bail during the trial. In these circumstances, case is made out for granting suspension of sentence and granting of bail. Hence, the following order:

ORDER

(i) The sentence imposed upon the

applicant vide judgment and order dated 24 September 2024 passed by the Sessions Judge, Ratnagiri, in Sessions Case No.23 of 2021, is suspended during the pendency of the appeal, subject to the applicant executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)