

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4605 OF 2024

IN

CRIMINAL APPEAL NO.978 OF 2024

Atul Bajirao Patil

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Pratik P Jadhav, for the Applicant.

Ms. P. P. Bhosale, APP, for the Respondent No.1-State.

Ms. Aishwarya Sharma, for Respondent No.2.

A.P.I. Kiran Bramhadev Didwag, Inslampur Police Station, District - Sangli, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13 JUNE 2025

PC:-

1. Heard Mr. Jadhav, learned Counsel appearing for the Applicant, Ms. Bhosale, learned APP for the Respondent No.1-State and Ms. Sharma, learned Counsel appearing for the Respondent No.2.

2. The relief sought in the Interim Application is that the Applicant be enlarged on bail and sentence be suspended.

3. Mr. Jadhav, learned Counsel for the Applicant submitted that FIR was lodged on 30th October 2021. The Applicant was arrested on the same day. The Applicant has been granted bail on 15th November 2021 and he has been thereafter taken into custody after the learned Sessions Court passed the Judgment and Order of conviction and sentence. He states that the Applicant has been convicted for 10 years imprisonment. He states that except the evidence of the victim, there is no other evidence corroborating the victim's evidence. He submits that the evidence of the victim is not trustworthy.

4. It is the further submission of Mr. Jadhav, learned Counsel for the Applicant that a friendly loan of an amount of Rs.70,000/- has been advanced by the Applicant to the father of the victim and as the Applicant was demanding refund of said amount a false complaint was filed. He submitted that only 3 witnesses have been examined apart from the victim. PW-2 is the *Panch* of Spot *Panchanama*, PW-3 is the Medical Officer and PW-4 is the Investigating Officer. He submits that the prosecution has failed to lead evidence of the father of the victim and other material witnesses.

5. On the other hand, Ms. Bhosale, learned APP and Ms. Sharma, learned Counsel appointed to represent the interest of the Respondent No.2 submitted that the offence is very serious and therefore the Applicant be not granted bail.

6. The challenge in the Criminal Appeal No.978 of 2024 is to the Judgment and Order dated 25th April 2024 passed by the learned Additional Sessions Judge, Islampur in Sessions Case No.731 of 2021 by which the Applicant has been convicted for the offence punishable under Section 376 of the *Indian Penal Code, 1860* and sentenced to suffer rigorous imprisonment for 10 years.

7. Perusal of the record shows that FIR has been lodged on 30th October 2021 and the Applicant has been arrested immediately on that day. However, immediately on 15th November 2021 the Applicant was granted bail. There is nothing to show that the Applicant has misused the liberty granted to him.

8. Perusal of the record shows that except the victim no other material witnesses have been examined by the prosecution. In fact, although the mobile of the Applicant has been seized the same has

not been even sent for the forensic examination. There are very valid points raised in the challenge to the impugned Judgment and Order of conviction.

9. Accordingly, the case is made out for suspension of sentence during the pendency of the Criminal Appeal.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment imposed vide Judgment and Order dated 25th April 2024 passed by the learned Additional Sessions Judge, Islampur, District-Sangli in Session Case No.66 of 2022 is suspended during pendency of Criminal Appeal No.978 of 2024, preferred by the Applicant and the Applicant is directed to be released on bail on executing PR Bond in the sum of Rs.1,00,000/- with one or more solvent sureties in the like amount;
- (b) The Applicant shall not enter the Taluka-Karad,

District-Satara, till disposal of Appeal;

- (c) The Applicant shall report Trial Court once in three months on the days specified by the Trial Court, till final disposal of Criminal Appeal;
- (d) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Trial Court and shall keep the same updated, in case of any change thereto;
- (e) The Applicant shall not contact the victim or her family members or any other witnesses in any manner.

11. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]