IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4565 OF 2025
IN
CRIMINAL APPEAL NO. 1141 OF 2025

Abnesh @ Ayush Mathura Kevat ... Applicant/Appellant

versus

State of Maharashtra .... Respondent

.....

Mr. Akshay Bankapur, Advocate for the Applicant.
Mr. Mayur S. Sonavane, APP for the State.

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2025.12.24 18:36:39 +0700

CORAM : R. M. JOSHI, J.

DATE : 24th DECEMBER, 2025.

P.C. :

1. This application is for suspension of sentence and enlargement of the appellant / accused on bail in connection with Judgment and Order dated 28.10.2025 passed in Sessions Case No. 195 of 2023, whereby the appellant is convicted for the offence punishable under Section 397 of Indian Penal Code ("IPC") and sentenced to suffer 7 years imprisonment.

2. Learned counsel for the appellant submits that this is a fixed term sentence and the appellant / accused has already undergone a period of about three years. It is his further submission that the appeal is not likely to be taken up for hearing in a short period of time and hence he is

entitled for bail. On merit it is submitted that though the recovery of the laptop robbed of the informant was said to have been recovered from the person of present appellant. It is his submission that the said panchanama has not been proved by examining the panch witness but the police personnel who was member of the raiding party is examined to prove the same. It is his submission that in absence of examination of independent witness, the said recovery cannot be attributed against the appellant. It is thus his submission that the appellant has a fair chance of success in the final hearing of the appeal.

3. Learned APP opposed the application on the ground that the offence is serious and that previously the appellant was charged for the similar nature of the offences on two occasions.

4. Needless to say that the notice of fixed term sentence unless there is no possibility of the hearing of the appeal in the reasonable period of time the Court is expected to enlarge the appellant on bail provided the case is made out to that effect. Prima facie this Court finds substance in the contention of learned counsel for the appellant that the only incriminating circumstance against the appellant in the form of recovery of robbed laptop has not been proved through the independent panch witness. It would said that the appellant can have a reasonable case of his acquittal during the time of hearing of the appeal. He has undergone

about three years sentence out of 7 years. As far antecedents are concerned, in one of proceeding he is acquitted. Whereas in other the offence is compounded. Hence the same does not become impediment to allow application. Hence order:

ORDER

i. The application is allowed.

ii. The substantive sentence imposed against the accused by the impugned Judgment and Order dated 28.10.2025 passed in Sessions Case No. 195 of 2023 stands suspended till the decision of the appeal.

iii. The appellant be enlarged on bail on furnishing one surety in the like amount of Rs.15,000/- with one surety in the like amount.

5. The application is disposed of.

(R. M. JOSHI, J.)