IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1545 OF 2024

IN

CRIMINAL APPEAL NO.385 OF 2024

Pandurang Sadashiv Thakur & Anr. …Applicants

Versus

The State of Maharashtra & Anr. …Respondents

Mr. Kuldeep Nikam i/b. Mr. Prasad Avhad, for the Applicants.
Ms. Gauri S. Rao, APP, for the Respondent No.1-State.
Mr. Rajabhau S. Chaudhari, for the Respondent No.2.
Mr. Tukaram Devidas Khadke, Alandi Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th JULY 2025

P. C.:

1. Heard Mr. Nikam, learned Counsel appearing for the Applicants, Ms. Rao, learned APP appearing for the Respondent No.1-State and Mr. Chaudhari, learned Counsel appearing for the Respondent No.2.

2. By this Interim Application, the Applicant is seeking suspension of sentence and bail during the pendency of the Appeal.

3. The challenge in the Criminal Appeal is to the Judgment and Order dated 15th March 2024 passed by the learned Additional Sessions Judge -1, Khed-Rajgurunagar, Pune in Sessions Case No.221 of 2014 (Old Sessions Case No.511 of 2013). By the impugned Judgment and Order, the Applicant i.e. Accused No.1-Pandurang Sadashiv Thakur along with Accused No.2-Chhaya Pandurang Thakur have been convicted for the offence punishable under Section 307, 323, 504, 506 read with 34 of the Indian Penal Code, 1860. The Applicant has been convicted for the offence punishable under Section 307 r/w. 34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for 8 years and fine of Rs.1,00,000/- and in default thereof, to undergo simple imprisonment for 1 year. The Applicant has been convicted for the offence punishable under Section 504 r/w. 34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for 1 year and fine of Rs.1,000/-, in default thereof, to undergo simple imprisonment for 1 month. The Applicant has been convicted for

the offence punishable under Section 506 r/w. 34 of the Indian Penal Code, 1860 and sentenced to undergone rigorous imprisonment for 1 year and fine of Rs.1,000/-, in default thereof, to undergo simple imprisonment for 1 month and the Applicant has been acquitted for the offences punishable under Section 307 and 326 of the Indian Penal Code, 1860.

4. Mr. Nikam, learned Counsel appearing for the Applicant states that the said fine amount of Rs.1,00,000/- has been deposited before the learned Trial Court. He further states that the FIR was registered in this criminal case on 4th April 2012. The Applicant was arrested immediately on the very day i.e. on 4th April 2012 and he has been granted bail on 11th April 2012. He submitted that the Applicant was on bail during the trial and thereafter, the Applicant has been taken into custody after the impugned Judgment and Order of the learned Additional Sessions Judge-1, Khed-Rajgurunagar, Pune dated 15th March 2024. He submitted that the Criminal Appeal is already admitted by order dated 29th July 2024. He submitted that there are very valid points raised in the Criminal Appeal and that the Criminal Appeal will take considerable time for final disposal. He submits that the

injured is real brother of the Applicant. He submits that for 12 years when the Applicant was on bail, he has not misused the said liberty and therefore, the Applicant be granted bail.

5. On the other hand, Ms. Rao, learned APP appearing for the Respondent No.1-State and Mr. Chaudhari, learned Counsel appearing for the Respondent No.2 strongly opposed the Interim Application.

6. However, perusal of the record shows that the Criminal Appeal has been admitted by a learned Single Judge by order dated 29th July 2024. There are valid points raised in the Criminal Appeal. As the Criminal Appeal is of the year 2024, the Criminal Appeal will take considerable time for final disposal. The Applicant was released on bail during the trial on 11th March 2012 and he was on bail till 15th March 2024 and there is nothing on record to show that the Applicant has misused the said liberty. The Applicant was taken into custody on 15th March 2024 and he has completed about one year and four months of punishment.

7. Accordingly, the case is made out for suspension of sentence and grant of bail during the pendency of the Criminal Appeal. The Applicant can be enlarged on bail by imposing certain conditions. In view thereof, the following order:

O R D E R

(a) The sentence of imprisonment imposed vide Judgment and Order dated 15th March 2024 passed by the learned Additional Sessions Judge-1, Khed-Rajgurunagar, Pune in Session Case No.221 of 2014 (Old Sessions Case No.511 of 2013) is suspended during the pendency of Criminal Appeal No.385 of 2024, preferred by the Applicant and the Applicant is directed to be released on bail on exeucting P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount;

(b) The Applicant is permitted to furnish cash bail surety for a period of two months, in lieu of surety.

(c) The Applicant shall attend the Alandi Police Station, Pune once in a month i.e. on first Sunday of every month between 11:00 a.m. to 01:00 p.m.

(d) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;

(e) The Applicant shall not contact the victim or his family members or any other witnesses in any manner.

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

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

Digitally signed by SONALI MILIND PATIL
Date: 2025.07.18 16:25:08 +0530