

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2321 OF 2024

IN

CRIMINAL APPEAL NO. 689 OF 2018

Shashiranjn Shivprasanna SinghApplicant

In the Matter in Between:

Shashiranjn Shivprasanna SinghAppellant

Vs.

The State of MaharashtraRespondent

Mr. Hrishikesh Chavan, for the Applicant.

Mrs. P. P. Shinde, APP for Respondent-State

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

Date : 21st APRIL 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. By this Second Interim Application, the Applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid Appeal.
3. The Applicant vide Judgment and order dated 24th April 2018 passed by the learned Additional Sessions Judge, Greater

Mumbai in Sessions Case No.322 of 2013 has been convicted for the offences punishable under Sections 302 and 201 of the Indian Penal Code ('IPC'), 1860. For the offence punishable under Section 302, the Applicant has been sentenced to suffer imprisonment for life with fine and for the offence punishable under Section 201 of the IPC, the Applicant has been sentenced to suffer 5 years imprisonment with fine. Both the sentences are directed to run concurrently.

4. Perused the papers. Admittedly, the prosecution case rests on circumstantial evidence. The circumstances alleged against the Applicant are; (i) CCTV footage in which the Applicant is seen with his children, aged about 6 years and 8 years, carrying a Bag/Article purportedly containing the dead body of the deceased (the Applicant's Wife); (ii) last seen evidence; and (iii) extra judicial confession made to PW-29.

5. As far as the CCTV footage is concerned, the prosecution has examined PW-14, Ravi Shankar Kadam. The prosecution has relied on Exhibit-152, purportedly a Section 65B certificate. The evidence of PW-14 Ravi Shankar Kadam, shows that in the CCTV footage he had seen two boys, they had one article covered in clothes

and that the Applicant was with them and that the said article was kept on the back side of the rickshaw. The alleged Section 65B certificate is *prima facie* not free from suspicion.

6. As far as the Applicant's children, aged about 6 years and 8 years, who were with the Applicant at the relevant time carrying the bag are concerned, they were examined by the prosecution as PW-15 and PW-16 respectively. Both the said witnesses have turned hostile.

7. As far as extra judicial confession made to PW-29 Pramod Singh is concerned, *prima facie* the said disclosure cannot be said to be an extra judicial confession. A perusal of the evidence of PW-29 reveals that he had disclosed to the said witness that his wife had expired and not that he had killed his wife.

8. It appears that the Applicant's first bail application was rejected by this Court (Coram: B. P. Dharmadhikari and Smt. Swapna S. Joshi, JJ) on 26th June 2019. Since both the Judges have retired since then, the aforesaid Application is heard by us.

9. It is not in dispute that the Applicant is in custody for about 12 years. The Appeal is of the year 2018 and is not likely to be heard in the immediate near future.

10. Considering the aforesaid, and in particular the long incarceration of the Applicant, the Application is allowed and the Applicant's sentence is suspended and he is enlarged on bail pending the hearing and final disposal of this Appeal, on the following conditions:

ORDER

- I) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The applicant shall report to the trial Court, once in four 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.

8. The Application is allowed and disposed off on the aforesaid terms.

9. All concerned to act on the authenticated copy of this order.

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