

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3532 OF 2024
IN
CRIMINAL APPEAL NO.957 OF 2024

Mangesh Madhukar Chogale ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. P. D. Dalvi, for the Appellant.
Ms. S. D. Shinde, APP, for the Respondent No.1-State.
Ms. Janhavi Karnik, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 12th JUNE 2025

PC:-

1. Heard Mr. Dalvi, learned Counsel appearing for the Applicant, Ms. Shinde, learned APP appearing for the Respondent No.1-State and Ms. Karnik, learned Counsel appearing for the Respondent No.2.

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

3. It is the submission of Mr. Dalvi, learned Counsel for the Applicant that although the incident has taken place in which

injured i.e. P.W. 1 has been assaulted, however, there is no evidence connecting the Applicant to the said incident of assault. He submitted that the Applicant is not habitual offender and there are no other antecedents against the Applicant. He submitted that the Applicant and the injured are close relatives. He submits that the Applicant will abide by all the conditions of the bail.

4. On the other hand, Ms. Shinde, learned APP appearing for the Respondent No.1-State and Ms. Karnik, learned Counsel appointed to represent the interest of the Respondent No.2 strongly opposed the Interim Application. Both of them pointed out various factors on record. Both of them submitted that in fact, learned Sessions Judge has observed that the victim survives purely by luck and in fact, attempt has been made to kill the victim. Both of them pointed out the evidence of P.W.1 i.e. victim and P.W. 6- Dr. Mahesh Anant Bhagwat. Both of them submitted that the offence is very serious and the Applicant has tried to kill the victim and therefore, the Interim Application seeking bail be rejected. Both of them submitted that in the event, the Court is inclined to grant the bail, then stringent conditions be imposed on the Applicant.

5. Perusal of the record shows that the incident in question took place on 25th January 2017. The Applicant was arrested on 22nd August 2017 and he has been released on bail by the order dated 21st February 2019 passed by the learned Special Court, Khed, Tal. Khed, Dist. Ratnagiri below Exhibit-16 in Session Case No.25 of 2017. There is nothing on record to indicate that after the release on bail during the trial, the Applicant has violated any of the bail conditions imposed by the said order or he tried to contact the victim and victim's family members. The Applicant is behind bars from the date of the judgment of the learned Sessions Court i.e. since 8th July 2024.

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

7. 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 8th July 2024 passed by the learned

Additional Sessions Judge, Khed, Dist. Ratnagiri in Session Case No.25 of 2017 is suspended during pendency of Criminal Appeal No.957 of 2024, preferred by the Applicant and the Applicant is directed to be released on bail on exequing PR. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount;

- (b) The Applicant shall not enter the Dapoli Taluka, Dist. Ratnagiri, till disposal of Appeal;
- (c) 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;
- (d) The Applicant shall not contact the victim or her 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.]

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