

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Interim Application No.3627 of 2024

In

Criminal Appeal No.1080 of 2024

Ramjan Babalal Sayyad,
Age: 65 years, Occ. Mason,
R/o. Sutar Mala, 7/85, Belbag Road,
Ichalkaranji, Tal. Hatkanangale,
Dist. Kolhapur
(Presently lodged at Kolhapur Central
Prison as Prisoner No.C-7828)

... Applicant

versus

1. The State of Maharashtra
Ichalkaranji Police Station,
Ichalkaranji, Tal. Hatkanangale

2. 'XYZ' (C.R. No.96/2016
Ichalkaranji Police Station)
Ichalkaranji, Tal. Hatkanangale,
Pin 416 115

... Respondents

Mr Prosper D'souza, for the applicant.

Mr Yogesh Y Dabke, APP, for respondent No.1/State.

Ms Aishwarya Sharma, Advocate (Legal Aid) for respondent
No.2 .

Coram: R.N. Laddha, J.

Date: 17 April 2025.

P.C.:

This is an application for suspension of sentence and bail during the pendency and final disposal of the appellant's appeal before this Court. By the judgment and order dated 5 January 20223, passed in Sessions Case No.46 of 2016 by the Additional Sessions Judge, Ichalkaranji, the applicant/appellant was convicted for the commission of the offence punishable under Sections 452 and 376 (2)(l) of the Indian Penal Code ('IPC'). The major punishment imposed on him is for ten years besides fine of Rs.12,000/-.

2. The learned Counsel appearing on behalf of the applicant, highlighting the alleged deficiencies in the prosecution's case submits that the testimony of the prosecution witnesses lack credibility and fails to inspire confidence. The learned Counsel submits that the applicant has been languishing in jail for approximately nine years and is willing to cooperate fully with the appeal proceedings and prays for his release on bail pending the outcome of the appeal.

3. The learned APP representing the respondent/ State and the learned Counsel for the respondent No.2, opposing the prayer for bail, refers to the seriousness of the charge on which the applicant/ appellant has been convicted and argues that the

evidence on record, particularly the testimony of the victim, strongly supports the prosecution's case and does not warrant the grant of bail.

4. This Court has considered the arguments advanced at the bar.

5. In the present case, the applicant has been sentenced to undergo rigorous imprisonment for a maximum period of ten years. While this Court takes due note of the submissions made by the learned APP and the learned Counsel for respondent No.2 concerning the seriousness of the offence and the fact that the matter is at the post-conviction stage, it is equally important to consider that the applicant has already undergone nine years of the ten-year sentence imposed upon him. The appeal was filed in 2024, and given the pendency of the older matters, it is unlikely to be taken up for hearing in the near future. If the relief sought is declined at this stage, the applicant is likely to complete the entire sentence before the appeal is finally heard. In light of these circumstances, a case is made out for the suspension of sentence and grant of bail during the pendency of the appeal. Hence, the following order:

ORDER

- (i) The sentence imposed upon the applicant vide judgment and order dated 5

January 2023, passed by the Court of Additional Sessions Judge, Ichalkaranji, in Sessions Case No.46 of 2016, stands suspended during the pendency of the appeal, and the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not contact the victim or her family members in any manner.

(iii) The applicant shall keep the investigating officer informed and updated about his contact number and address.

6. The interim application stands disposed of accordingly.

[R.N. Laddha, J.]