

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

***INTERIM APPLICATION NO. 4714 OF 2024
(For Bail)
IN
CRIMINAL APPEAL NO. 1196 OF 2018***

Jeewan Devram Shirsath ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Ms. Syed Shabana Mashkoor Ali for the Appellant

Mrs. P. P. Shinde, A.P.P for the Respondent No.1-State

None for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
WEDNESDAY, 12th FEBRUARY 2025**

P.C :

1 This is the second bail application preferred by the applicant, seeking suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

2 Perused the papers, in particular, the evidence of PW1-Sarfaraj Sayyed i.e. injured complainant and PW7-Dr. Satyanarayan Shenoy.

3 At the outset, we may note that the first bail application was withdrawn, after arguing for sometime. The same is recorded in the order dated 21st December 2018 passed by this Court (Coram : Indrajit Mahanty and V. K. Jadhav, JJ.). Since both the judges have retired, the aforesaid application was heard by us.

4 According to PW1-Sarfaraj, he had earlier lodged an FIR as against the applicant, as the applicant had threatened to kill him. The said FIR was lodged prior to the present case in view of a dispute between the complainant and applicant dated 6th June 2015. The present incident in which the applicant has been convicted is dated 7th June 2015. From the evidence of

PW1-Sarfaraj, it appears that the applicant called him to meet near S. Kumar Jewellers and pulled out a gun from his waist and fired at him i.e. on his head. From the medical evidence, it appears that there is a puncture wound near right supra orbital region. The doctor found that the damaged brain was coming out from the said area; that there were multiple comminuted fracture involving the right frontal bone with brain contusion; multiple bone fragments were entering into the damaged brain.

5 Considering the material on record, we are not inclined to suspend the applicant's sentence and enlarge him on bail.

6 The interim application is rejected accordingly. However, since the applicant is in custody for about 9 years, we fix his appeal for final disposal on 7th **April 2025** to be listed at 4:00 p.m.

7 Application is disposed of accordingly.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.