



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4882 OF 2024

IN

CRIMINAL APPEAL NO.1257 OF 2024

Vikram @ Vicky Gopinath Takate	Applicant
In the Matter in Between:	
Vikram @ Vicky Gopinath Takate	Appellant
Vs.	
The State of Maharashtra	Respondent

Mr. Aniket Vagal with Mr. Kunal Pednekar & Ms. Savvy Kolhekar, for the Applicant.

Mr. V. B. Konde Deshmukh, Add. P. P., for the Respondent-State.

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.

Date : 7th APRIL 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. By this Interim Application, the Applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid Appeal. The Applicant vide judgment and order dated 19th October 2024 passed by the learned Additional Sessions Judge Niphad, Nashik in Sessions Case No.75 of 2021 has

been convicted for the offence punishable under Section 302 of the Indian Penal Code ('IPC') and is sentenced to suffer imprisonment for life i.e., his entire life and to pay fine of Rs.20,000/-, in default to suffer simple imprisonment ('SI') for two years; for the offence punishable under Section 363 of the IPC to suffer SI for seven years and to pay a fine of Rs.10,000/-, in default to suffer further SI for one year; for the offence punishable under Section 201 of the IPC to suffer SI for seven years and to pay a fine of Rs.10,000/-, in default to suffer further SI for one year. As far as the offence punishable under Section 120-B read with 34 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 are concerned, it appears that the Applicant has been acquitted of the said offences.

3. All the aforesaid sentences are directed to run concurrently.

4. Perused the papers. Admittedly, the prosecution case rests on circumstantial evidence. It is a prosecution case that a dead body of one 'X' was found in a Canal on 16th February 2021 at Ahergaon. P.W.5-the First Informant identified the dead body and accordingly, lodged an FIR on suspicion as against the Applicant. We may note

that the prosecution has essentially relied on the Facebook conversation between the Applicant and the deceased and a CCTV footage in which deceased was seen alone at 11:30 a.m. (Applicant was not seen at the spot) and mobile phone conversation between the Applicant and the deceased. The prosecution in support of the said evidence, has examined two panch witnesses i.e., P.W.2 and P.W.11. There is a recovery of deceased's articles i.e., rope, scarf and mobile at the instance of the Applicant. As far as CDRs are concerned, it appears that two Nodal Officers were examined and Section 65-B certificate was produced. However, both the mobiles belonged to the deceased and the accused No.2 respectively (accused No.2 has been acquitted of all the offences). It is not the prosecution case that the Applicant was using the Accused No.2's mobile. The Applicant is in custody for more than four years and has no antecedents.

5. Considering the aforesaid evidence and the fact that the Appeal is of 2024 and is not likely to be heard in the immediate near future, the Application is allowed and the Applicant's sentences are suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and 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 six 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 numbers 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.
6. The Application is allowed on the aforesaid terms and is accordingly disposed of.

7. All concerned to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)