

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

***INTERIM APPLICATION NO. 5338 OF 2024
(Application for Bail & Suspension of Sentence)
IN
CRIMINAL APPEAL NO. 823 OF 2023***

Kundan Suresh Pardeshi ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Niranjan S. Mundargi a/w Mr. Bhomesh Bellam and Ms.
Keral Mehta i/b Ms Anusha Pradhan for the Applicant

Mr. V. B. Konde Deshmukh, Addl. 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 Heard learned counsel for the parties.

2 By this 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 11th July 2023, passed by the learned Additional Sessions Judge, Nashik, in Sessions Case No.68/2017 has been convicted for the offences punishable under Sections 302, 143, 147, 148 of the Indian Penal Code and other offences.

For the offence punishable under Section 302 of the Indian Penal Code, the applicant has been sentenced to suffer imprisonment for life and to pay fine of Rs.50,000/-, in default, to suffer simple imprisonment for one year.

4 Perused the application. The prosecution case rests on two eye witnesses, out of which, one is an injured eye-witness. From the evidence of PW 8-Hemant Wagh (injured witness), it appears that there were enimical relations between the two

groups, pursuant to which, the incident took place. It appears that in the incident, the applicant picked up a stone which was lying at the spot and threw it at the deceased, as a result of which, the deceased sustained a head injury and succumbed to the same. The other accused are alleged to have assaulted the deceased with sticks and hence, some of the co-accused have been awarded a lesser sentence.

5 The applicant is in custody for about 8 years 7 months. The appeal is of the year 2023 and is not likely to be heard in the immediate near future.

6 Considering the peculiar facts, as stated aforesaid and the manner in which the incident has taken place and 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 the aforesaid 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 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.

7 The Application is disposed of in the aforesaid terms.

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

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.