



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.445 OF 2025

IN

CRIMINAL APPEAL NO.62 OF 2025

Shekhar Shankar Borhade

.....Applicant

In the Matter in Between:

Shekhar Shankar Borhade

.....Appellant

Vs.

The State of Maharashtra

.....Respondent

Ms.Payoshi Roy, i/b. Ms. Madhavi Gomathieswaran, for the Applicant.

Ms.P. P. Shinde, APP, for the Respondent-State

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

Date : 6th MARCH 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 the aforesaid Appeal.
3. The Applicant vide judgment and order dated 8th October 2024 passed by the learned Additional Sessions Judge, Khed-

Rajgurunagar, Pune in Session Case No.114 of 2022 has been convicted for the offence punishable under Section 302 of the Indian Penal Code and has been sentenced to suffer rigorous imprisonment for life and to pay fine of Rs.5000/-, in default, to undergo rigorous imprisonment for six months.

4. Perused the papers. The prosecution case rests essentially on circumstantial evidence. It is the prosecution case, that the police received information from an unknown person informing them that the deceased has been murdered, pursuant to which the said information was entered into the station diary. The Applicant is the son of the deceased who is arraigned as an accused in the said case. The only evidence against the Applicant is that he was found by the police on the spot sitting near the deceased. The prosecution has not examined the person who gave information to the police. As far as finding of a stone and knife on the spot are concerned, it appears that the Applicant's fingerprints were not found on both the said items. The Applicant is in custody since 7th January 2022. It appears that the eye witnesses to the incident, i.e., the Applicant's wife and daughter both turned hostile in the said case.

5. Considering the aforesaid evidence *qua* the Applicant, the Application is allowed and Applicant's sentence is 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 the authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)