

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1949 OF 2025
IN
CRIMINAL APPEAL NO.1033 OF 2023

BHALCHANDRA
GOPAL
DUSANE

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Date: 2025.07.11
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Narayan Sahebrao Mohite

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Anima Mishra a/w Mr. Anuj Singh, Ms. Ritu Singh, i/by
Dhaara Legal, for the Applicant.

Ms. Sangeeta D. Shinde, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 11th July 2025

PC:-

1. Heard Ms. Anima Mishra, learned Counsel appearing for the Applicant and Ms. Sangeeta Shinde, learned APP for the State.

2. The relief sought in this Interim Application is that pending the hearing and final disposal of the Criminal Appeal, the Applicant be released on bail.

3. This is second Bail Application filed in this Criminal Appeal. The first Bail Application bearing I.A. No. 4232 of 2023 filed in Criminal Appeal No.1033 of 2023 was allowed to be withdrawn by

Order dated 21st June 2024 with liberty to file fresh application after a reasonable period.

4. The challenge in Criminal Appeal No.1033 of 2023 is to the Judgment and Order dated 17th April 2023 passed by the learned Additional Sessions Judge, Nashik in Sessions Case No.84 of 2022. By the said Judgment, the Applicant has been convicted for the offence punishable under Section 307 of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for seven years and also to pay fine of Rs.10,000/- and in default of payment of fine, to suffer simple imprisonment for three months.

5. The Applicant was in custody during trial from 17th September 2020 till 27th November 2020.

6. Ms. Anima Mishra, learned Counsel appearing for the Applicant states that the Applicant is taken into custody on the date of conviction and sentence i.e. 17th April 2023 and till date the Applicant is in jail. She submits that the Applicant is in jail for about 2 years, 5 months and 10 days. She submits that the substantial part of sentence is undergone by the Applicant. She

further points out Affidavit dated 21st September 2024 of the original complainant- Bharat Raghunath Chavan, who has *inter alia* given no objection for grant of bail.

7. Ms. Shinde, learned APP strongly opposed the relief of grant of bail.

8. As per the prosecution case, the informant is the brother-in-law of the Accused. The Accused on 11th September 2020 came to the house of brother-in-law at about 2.30 p.m. for taking his wife i.e. sister of the informant to matrimonial house. However, as the husband was assaulting and abusing her, the sister was not ready to go alongwith the Applicant, i.e. her husband. Therefore, the Applicant came in the night and under the influence of liquor, started abusing the informant and his sister and thereafter assaulted the informant with knife.

9. In the Affidavit dated 21st September 2024 which has been filed by the informant, it is stated that as the Applicant is in jail since the date of conviction and sentence and there is nobody to

look after his sister and her children and therefore relief be granted in favour of the Applicant.

10. Perusal of record shows that the Criminal Appeal has already been admitted by Order dated 11th September 2023. The Appeal could not be taken up for hearing for last about two years. The Applicant has completed out of sentence of 7 years more than 2 years and 5 months. Arguable questions are raised in the Criminal Appeal.

11. Accordingly, taking into consideration overall facts of the case, the Applicant is entitled to be released on bail. In view thereof, the following order is passed:

ORDER

- (a)** The sentence of imprisonment imposed vide Judgment and Order dated 17th April 2023 passed by the learned Additional Sessions Judge, Nashik, in Session Case No.84 of 2022 is suspended during pendency of Criminal Appeal No.1033 of 2023, preferred by the Applicant and the Applicant is directed to be released on bail on executing PR Bond in the sum of

Rs.25,000/-, with one or more solvent sureties in the like amount to be furnished by the Applicant.

- (b) The Applicant shall report to Ghoti Police Station, Taluka-Nashik, District-Nashik once in a week i.e. on every Sunday between 11.00 am to 1.00 pm for a period of one year i.e. upto 31st July 2026 and thereafter once in a month on the first Sunday of month between 11.00 am. to 1.00 pm. till disposal of the Criminal Appeal.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;

12. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

(MADHAV J. JAMDAR, J.)