

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2098 OF 2025
IN
CRIMINAL APPEAL NO. 59 of 2018

Akash Gangaram Shinge	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Sharad Ghadge a/w Mr. Vijay K. Shelar and Mr. Chinmay Sharma, for the Applicant.
Ms. Kranti Hivrale, APP, for the Respondent-State.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 25th JULY 2025.

PC:-

1. Heard learned Counsel Mr. Ghadge appearing for the applicant. Also heard Ms. Hivrale, the learned APP, appearing for the State.
2. By filing this Interim Application under Section 430 F of Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), the applicant, who is in jail since 28/08/2018, has approached this Court for the second time seeking suspension of his jail sentence and for his release on bail.

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3. Mr.Ghadge, learned Counsel for the applicant, has urged that the conviction of the applicant is substantially based on the extra judicial confession of PW-14, which is untrustworthy. Moreover, there was unexplained delay in lodging the FIR. As such, a serious doubt arises on the veracity of the prosecution case.

4. We have noted that the prayer for suspension of sentence and release on bail earlier made by the same applicant in Criminal Application No. 1668 of 2017 was declined by a Co-ordinate Bench of this Court (Coram : Mr. S. S. Shinde & Mrs. Mridula Bhatkar, JJ.) by the order dated 28th August, 2018. We also find that the order dated 28th August, 2018, was passed after considering the submissions made by the applicant's Counsel on merit and on due consideration of the observations made by the learned trial Court in para 64 of the judgment wherein, the evidence on record was analyzed by the trial Court. The observations, made in the order dated 28th August, 2018, substantially address the issues raised by the applicant's Counsel today. Therefore, we are of the view that there is no scope for this Court to review the earlier opinion expressed by the Court on the same set of evidence and take a different view in the matter. Moreover, we do not find any new and subsequent event mentioned in the application seeking bail. Situated thus, the bail application stands rejected. However, considering the over all facts and circumstances of this case, we are of the considered opinion that the Appeal filed by the applicant deserves expeditious hearing and disposal.

5. The Interim Application stands disposed of.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)