

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2739 of 2025
(for bail and suspension)
in
CRIMINAL APPEAL NO. 849 of 2025

Gotiram Balu Jagtap

... Applicant/s
Appellant/s

versus

The State of Maharashtra

.... Respondent/s

Mr. Akshay Bankapur, Advocate for the Applicant/Appellant.

Mr. C. D. Mali, APP for Respondent-State.

CORAM : R. M. JOSHI, J.

DATE : 24th NOVEMBER, 2025.

P.C. :

1. This application is for suspension of sentence and enlargement of the applicant/appellant on bail in connection with the impugned judgment and order dated 25th July 2025 passed in Sessions Case No.50 of 2021, whereby the appellant came to be convicted for the offence punishable under Section 307 of the Indian Penal Code 1860

2. Learned counsel for the applicant/appellant drew attention of the Court to the testimony of the injured to argue that the injured had resiled from the statement made to police and, thus, his testimony becomes doubtful. Attention is also drawn to the evidence of Samadhan, who is said to be the witness to the incident, who claims that the assault

was caused not by the appellant but by Dhavale. It is his submission that considering the evidence on record, there is fair chance of success for the appellant during the hearing of the appeal. According to him, since the appeal is not likely to be heard in short period of time, the same shall become infructuous.

3. Learned APP opposed the appeal by contending that the present appellant has flouted the prohibitory orders passed under the Maharashtra Police Act. It is further submitted that there is medical evidence to indicate the assault on the informant and as such, the judgment and order impugned is correct.

4. There cannot be any dispute about the fact that the appeal is not likely to be heard in short period of time owing to the pendency. The Court has to see as to whether there would be any fair chance for the appellant for success in the appeal. Prima facie perusal of the evidence of the informant indicates that he has resiled from the statements made to the police and the omissions and contradictions are duly proved through the Investigating Officer. The eye-witness to the incident has also not supported the case of the prosecution with regard to the assault being caused by the appellant on injured. Having regard to the facts, it can be said that the appellant has reasonable chance of success in the appeal. Hence, the following order :

ORDER

1. The application is allowed.

2. The sentence imposed against the appellant in impugned judgment and order dated 25th July 2025 passed in Sessions Case No.50 of 2021 by Additional Sessions Judge, Nashik, stands suspended till the decision of appeal.
3. The appellant be enlarged on bail on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the Trial Court.

The interim application stands disposed of in above terms.

5. It is clarified that above observations are made on prima facie consideration of the material on record and the same shall not bind the parties during the final hearing of the appeal.

(R. M. JOSHI, J.)