

3. The applicant has been convicted for the offence punishable under section 302 of the Indian Penal Code, 1860 (for short “I.P.C”) and sentenced to imprisonment for life.

4. Learned Counsel for the applicant would submit that initially a crime was registered under section 306 of the I.P.C. He would further submit that the case is based on the circumstantial evidence.

5. Learned A.P.P would submit that the applicant made extra judicial confession. The applicant was also last seen in the company of the deceased and, therefore, this is not a fit case to grant the applicant relief.

6. We have considered the submissions advanced. It is not in dispute that the case is based on the circumstantial evidence. Only two circumstances are put against the applicant, viz: last seen in the company of the deceased and extra judicial confession made by him. To prove both these circumstances, the prosecution relied on the evidence of one and the same witness, whose police statement has admittedly been recorded after forty days of the incident. The less said the better about reliability of this witness while appreciating the evidence on merits. The applicant is behind the bars for little over seven years and four months.

7. Considering the nature of evidence and the applicant being behind the bars for little over seven years, we are inclined to allow the application in terms of the following order;

: ORDER :

(a) The substantive sentence imposed on the applicant by the learned Sessions Judge, Kolhapur vide judgment and order dated 24th October, 2024 in Sessions Case No.11 of 2019 shall remain suspended till the final disposal of Criminal Appeal No.61 of 2025.

(b) The applicant be released on furnishing a P.R bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand only) with one or more solvent sureties in the like amount.

(c) Bail before the trial Court.

8. The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]