

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4605 OF 2025
IN
CRIMINAL APPEAL NO. 1358 OF 2024

Sandip @ John Khandu Pawar

...Appellant/
Applicant

Versus

State of Maharashtra

...Respondent

Mr. Akshay Bankapur, for the Appellant/Applicant.
Mr. A.S.Gawai, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 23rd JANUARY, 2026.

PC:-

1. This is an Application for enlargement on bail in connection with the Judgment and Order dated 28th November 2024 passed in Sessions Case No. 158 of 2012 whereby the Applicant came to be convicted for the offence punishable under Section 307 of the Indian Penal Code, 1860 ('IPC') and sentenced to suffer rigorous imprisonment for 4 years with pay fine of Rs.25,000/-.

2. Learned counsel for the Applicant submitted that though this is second Bail Application, such liberty was granted by this Court. It is his further submission that on the basis of evidence on record, it cannot be held that the offence has been proved against the Applicant beyond reasonable doubt. In this regard, he drew

attention of the Court to the evidence of P.W.1, i.e., Injured, who admitted in cross-examination that the vehicle in which the Applicant and the Injured were proceeding, met with an accident. Though he denies submission that the injury in question caused to his neck had occurred while he was coming out of the damaged car, there is however, evidence of the Medical Officer who says that such injury is possible while doing so. Apart from this, it is his submission that though allegations were made against in all 4 accused, the Informant has retracted from the said allegations before the Trial Court. Thus, his testimony is not believable. It is submitted that the Applicant is in jail for last 1 year and 7 months out of 4 years of imprisonment. Hence, he be enlarged on bail.

3. Learned APP opposed the Bail Application, firstly, on the ground that there are criminal antecedents against the Applicant and if he is enlarged on bail, he is likely to commit further crimes. Even on merits, it is his submission that evidence on record more particularly, evidence of the Injured coupled with the testimony of P.W. 6, eye witness, is sufficient to convict the Applicant.

4. *Prima facie*, perusal of the record indicates that the Injured initially leveled allegations against in all 4 persons. He however, retracted from the allegations made against Accused Nos.2 to 4. He accepts that he had suspected illicit relationship between his wife and the present Applicant. Later on, however, he found that there was no such relationship between them. It is pertinent to note that however, at the time of occurrence of the incident, he had the said suspicion. In the light of these facts, when there is evidence to show that the injuries caused to the Injured is possible while

coming out of the damaged car in an accident, there is chance of success in the Appeal for the Applicant herein. He has already undergone 1 year and 7 months of imprisonment out of 5 years .

5. Though there are criminal antecedents against the Applicant, in view of the fair chance for the Applicant to succeed in the Appeal, this is not the case for rejection of his Application. There is no likelihood of Appeal to be heard in short period of time. In that case, the Appeal would become infructuous.

6. Hence, the Interim Application is allowed. Hence, the following order:

ORDER

(i) Applicant is enlarged on bail in connection with Sessions Case No.158 of 2012 in C.R.No. I-272 of 2010 on furnishing P. R. bond in a sum of Rs.15,000/- (Fifteen thousand rupees) with one local surety in the like amount.

(ii) The Applicant shall also attend the Police Station concerned once in three months till the decision of the Appeal;

(iii) Interim Application stands disposed of.

(R. M. JOSHI, J.)

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signed by
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SHIVGAN
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