

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.534 of 2020
(Arising out of SLP(CrI.) No.1922/2020)

SAGAR SUTAR

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

The application filed by the appellant for bail was dismissed by the High Court aggrieved by which the appellant has filed the above appeal by way of Special Leave Petition. The appellant is accused of committing offences punishable under Sections 302, 307, 143, 147, 148, 149, 120 B and 153-A of the Indian Penal Code.

The application for bail filed by the appellant was initially dismissed on 29.06.2017. The order impugned in this appeal is against the second bail application filed by the appellant.

The High Court was not inclined to release the appellant on bail on the ground that he was identified in the Test Identification Parade. There

is recovery of hockey sticks and motorcycle at the instance of the appellant. The High Court also took note of the criminal antecedents of the appellant who is involved in other cases. Being of the opinion that there is a likelihood of the appellant tampering with the evidence, the High Court dismissed the application for bail. As the incident is of the year 2014, the High Court directed the trial Court to expedite and complete the trial within 16 months from the date of order.

Learned counsel for the appellant submitted that the appellant has been in jail for more than six years. He is similarly situated with other accused persons who are released on bail. He has been identified by one person and not 3 witnesses as has been found by the High Court. He further argued that Test Identification Parade was conducted two months after the incident. He also argued that he has been acquitted in one of the three cases filed against him. He also submitted that the charges have been framed but the trial has not commenced and there is no likelihood of completion of trial in the near future.

The learned counsel for the State submitted

that the prosecution proposes to examine 25 witnesses and that the trial has not commenced in the Sessions Court in view of the ongoing pandemic. The learned counsel for the State submitted that the appellant has been identified by the witnesses and motor cycle of the appellant has been seized at the place of the incident.

After taking into consideration the submissions made by the learned counsel for the parties, we are of the opinion that the appellant is entitled to be released on bail as he has been in jail for more than six years and there is no likelihood of completion of the trial in the near future.

The appellant is directed to be released on bail subject to the satisfaction of the trial court subject to the following conditions:

1) The appellant shall surrender his passport, if he has one.

2) The appellant shall stay at Kolhapur and shall not leave Kolhapur without the permission of the trial Court.

3) The appellant shall report before the SHO, Rajarampuri Police Station, Kolhapur, Maharashtra

every Monday at 10.00 a.m.

4) The appellant shall not tamper with the evidence or influence the witnesses in the case.

5) The State is at liberty to move for cancellation of bail if the petitioner makes any attempt to tamper with the evidence or influence the witnesses.

6) The appellant is given liberty to attend the criminal courts in the cases pending against him as and when required.

The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

.....J.
(L.NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI;
24th August, 2020.

ITEM NO.18 Court 5 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).1922/2020

(Arising out of impugned final judgment and order dated 16-08-2019 in CRLBA No.2011/2018 passed by the High Court Of Judicature At Bombay)

SAGAR SUTAR

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(With appls.for exemption from filing c/c of the impugned judgment, exemption from filing O.T., exemption from filing affidavit)

Date : 24-08-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Vishnu Shankar Jain, AOR
 Mr. Chanakya Gupta, Adv.

For Respondent(s) Mr. Rahul Chitnis, Adv.
 Mr. Sachin Patil, AOR
 Mr. Geo Joseph, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the
signed order. Pending application(s), if any, shall
stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)