

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1589 OF 2017
IN
CRIMINAL APPEAL NO. 285 OF 2017

Mr. Yogesh V. Navade

..Applicant/ Appellant

v/s.

The State of Maharashtra

..Respondents

Mr. Yogesh Dande i/b. Yogesh Dande & Associates for the Applicant.
Mr. M.G.Patil, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 29, 2017.**

P.C.

1. The applicant herein who was the accused no.3 in Sessions Case No.211 of 2012 has been held guilty of offence under Section 397 r/w. 34 of the Indian Penal Code. He has been sentenced to undergo rigorous imprisonment for seven years with fine of Rs.2000/- in default to undergo simple imprisonment for one month. By this application the applicant has sought leave to suspend the execution of sentence and to release on him.
2. The learned Counsel for the applicant has submitted that the co-accused Avinash Mahale has been released on bail by Order dated

20th November, 2017. In para 4 of the said Order it is recorded that the testimony of the first informant does not prima facie indicate that said Avinash Mahale was involved in the incident. PW1 as well as the other witnesses had not contributed any role to said Avinash Mahale. Considering the nature of the evidence against Avinash Mahale, he was released on bail. In the instant case, the testimony of PW1 prima facie reveals the involvement of the applicant. He has stated that the applicant was the one who had tried to set him on fire. There is no prima facie material on record to impeach the credibility of PW1. Considering the above facts, the applicant is not entitled for bail on the ground of parity.

3. Be that as it may, there is prima facie material on record to show the involvement of the applicant in commission of the offence. The offence is of a serious nature. No case is made out for suspension of execution of sentence and for release on bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)