

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 435/2017

(PRABHU PANDHARI GIRPUNJE (IN JAIL) **VERSUS** THE STATE OF MAHARASHTRA, THR. PSO, PS
 DESAIGANJ, DIST. GADCHIROLI)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri R.M. Daga, counsel for the appellant.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : SEPTEMBER 13, 2017.

Heard.

ADMIT.

Learned Additional Public Prosecutor Shri P.S. Tembhare waives notice of hearing on behalf of the respondent.

Since we have called for the Record & Proceedings in Criminal Appeal No.392 of 2017, that arises out the same trial and judgment, it is not necessary to pass a formal order of calling the Record & Proceedings, in this criminal appeal.

CRIMINAL APPLICATION (APPA) NO.731/2017.

Shri Daga, the learned counsel for the applicant, states that the case of the appellant in Criminal Appeal No.392 of 2017 is similar to the case of the present applicant. It is stated that in the appeal filed by Kewalram bearing Criminal Appeal No.392 of 2017, this Court has suspended the sentence and directed that Kewalram be released on bail on the terms and conditions on which he was released on bail by the trial Court. It is stated that though the applicant was not named in the statement of complainant-Sharda, the

other accused were named therein. It is stated that the only evidence against the present applicant is that he was identified by P.W.s10 and 12 in the test identification parade.

Since the case of the applicant is similar to the case of the appellant in Criminal Appeal No.392 of 2017 and we have directed that the appellant in Criminal Appeal No.392 of 2017 be released on bail, on parity, it would be necessary to pass a similar order on this criminal application.

Hence, in the circumstances of the case, by allowing the criminal application, we suspend the sentence and direct that the applicant be released on bail on the same terms and conditions on which he was released on bail by the trial Court. The criminal application stands disposed of accordingly.

JUDGE

JUDGE

APTE