

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.391 OF 2018

IN

CRIMINAL APPEAL NO.192 OF 2015

Mr. Sambhaji Laxman Garad.] ... Applicant/Applicant
(Orig. Accd. No.3)

Versus

The State of Maharashtra.] ... Respondent

Mr. Sudhir C. Halli for Applicant.
Mr. J. P. Yagnik, APP for State.

CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE :- 29 JUNE, 2018

P. C. :-

1. This is an application for grant of bail and for suspension of sentence during pendency of the Appeal.

2. The case pertains to the murder of one Dhanyakumar @ Samadhan which took place on 19/07/2012. The FIR was lodged by PW 3 Subhash Sudam Ubale who was the brother of the deceased. He has described the incident in his deposition wherein he has stated that

Papa Garad, the present Applicant, Baliram Ghotane, Ashok Ghotane, Ramesh Garad, Hanmant Garad and Sunil Khandare assaulted the deceased with deadly weapons like sword and sattur.

3. The learned Counsel for the Applicant states that Hanmant Garad, one of the co-accused, was granted bail pending Appeal vide order dated 19/04/2017 by this Court. He further submitted that the role attributed to Hanmant Garad and the one attributed to the present Applicant is similar and therefore, the Applicant deserves to be released on bail on the ground of parity.

4. The learned APP for State vehemently opposed the Application. According to him, there was no parity between the case of Hanmant Garad and the Applicant and therefore, the present Applicant does not deserve to be released on bail.

5. Perusing the evidence of the first informant, it can be seen that the role attributed to the present Applicant and the aforementioned Hanmant Garad and is similar. There is no reason as to why the same relief should not extended to the present Applicant.

In this view of the matter, we are inclined to allow the Application.
Hence, the following order.

ORDER

- (i) The Application is allowed.
- (ii) Pending final hearing and disposal of the present Appeal sentence awarded to the Applicant is suspended.
- (iii) The Applicant is directed to be released on bail on his executing a P.R. bond in the sum of of Rs.15,000/- and furnishing one or two sureties in the like amount.
- (iv) The Applicant shall report to the concerned police station every alternate Monday between 10.00 a.m. to 12.00 p.m. till final disposal of the present Appeal.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)