

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

**CRIMINAL APPLICATION NO.392 OF 2018
IN
CRIMINAL APPEAL NO.192 OF 2015**

Pramod @ Papa Pandurang Garad

.... Applicant
(Orig. Accused No.1)

versus

The State of Maharashtra

... Respondent

.....

- Mr.Sudhir C. Halli for Applicant in APPA No.392/18
- Mr.Nitesh J. Mohite i/b. Jaydeep D. Mane, Advocate for Appellant in Appeal No.229/15.
- Mrs.S.D. Shinde, APP for Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.**

DATE : 27th NOVEMBER, 2018.

P.C. :

1. Heard respective Counsel sufficiently.
2. We find that eyewitnesses claim that present Applicant assaulted the deceased with a sword. There is no such sword recovered and brought on record by prosecution.

3. Other accused persons involved with the present Applicant are already released on bail by this Court. The learned Counsel for the Applicant is therefore insisting for extending similar treatment. Learned APP could not point out any distinguishing features qua the present Applicant.
4. On 29/06/2018 while allowing the Criminal Application No.391/18, co-accused Sambhaji Laxman Garad (Original Accused No.3) has been enlarged on bail. In light of the material pointed out to us, we do not find any distinguishing factors. Applicant is entitled to same treatment.
5. We are therefore inclined to allow this Application and pass 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 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. P. DHARMADHIKARI, J.)