

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

**CRIMINAL APPLICATION NO.348 OF 2019
IN
CRIMINAL APPEAL NO.269 OF 2013**

Rupesh Kisan Khopade ...Applicant

vs.

The State of Maharashtra ...Respondent

WITH CONNECTED MATTERS

Mr.Kuldeep Patil i/b Shailesh Chavan and S. P. Sahani for the Applicant.
Mr. V. V. Gangurde APP for the Respondent.

**CORAM : B. P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.
DATE : 16/04/2019.**

P.C.:

. Original accused No.3 Rupesh seeks interim bail pointing out the order dated 31/1/2019 in Criminal Application No.1049/2018 and the order dated 28/2/2019 in Criminal Application No.645/2017. These applications were moved by accused No.2 and accused No.6 respectively in Criminal Appeal i.e. Criminal Appeal Nos.1360/2012 and 172/2013.

2. These applicants were accused along with other persons and have been tried in Sessions Case No.703/2010. Vide judgment dated 9/11/2012 Additional Sessions Judge, Pune has convicted all of them for offence punishable under sections 143, 147, 148, 302, 307 read with 149 of IPC.

3. Perusal of the order dated 31/1/2019 enlarging accused No.2 Rajesh on bail shows consideration of previous enmity on account of cable

business between the parties, some discrepancies and contradictions in evidence and the fact of applicant putting about 8 ½ years in prison. Very same Bench has thereafter released accused No.6 on bail on 28/2/2019.

4. Incident is same and the role assigned to present applicant is not in any way different than the role assigned to other applicants who are already released on bail.

5. In this situation we allow this application and direct release of applicant on interim bail on following terms and conditions :

i) The substantive sentence imposed upon the applicant Rupesh Kisan Khopade by the impugned Judgment and order dated 9/11/2012 passed by the learned Additional Sessions Judge in Sessions Case No.703/2010 shall stand suspended till the final disposal of the appeal and the applicant shall be enlarged on bail in the sum of Rs.25,000/- (Rupees Twenty five thousand Only) with one or two local solvent sureties in the like amount;

ii) The bail is granted subject to the condition that the applicant will furnish detailed address of his place of residence where he proposes to reside after he is enlarged on bail and contact telephone/Cell number to the concerned Jail Superintendent:

iii) The bail is granted subject to condition of the applicant reporting to the concerned Trial Court at 11.00 a.m. on first Monday of every January and July of every calender year till the disposal of appeal;

iv) If the applicant fails to report to the Trial Court as aforesaid, the concerned Court shall immediately submit a report to that effect

to the Registrar (Judicial-I) of this Court who shall immediately place the report before the concerned Court;

v) Application is disposed of on above terms.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)