

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3984 OF 2022
IN APEAL/53/2017 WITH APEAL/53/2017 WITH APEAL/
647/2016**

**SWAPNIL SUBHASH GURCHAL
VERSUS
THE STATE OF MAHARASHTRA**

Mr. A. K. Bhosle, Advocate for the applicant
Mr. R. B. Bagul, APP for the respondent/State

**CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.
DATED : 30th NOVEMBER, 2022**

PER COURT :-

1. During the course of submission in the appeal it was brought to the notice of this Court that convicts Subhash who is sentenced to suffer 10 years rigorous imprisonment has already undergone imprisonment of 9 years. Hence his case is considered for grant of bail.
2. Learned APP opposed the release of appellant on bail.
3. In the circumstances that 90% part of sentence is already undergone by appellant, it is a fit case to suspend his sentence and to release him on bail. If it is not so done there is

possibility of the appeal itself becoming infructuous after the entire sentence imposed against him is undergone. Hence the order.

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence is suspended till the disposal of the criminal appeal.
- (iii) Applicant be released on PR bond of Rs.15,000/- (Rupees Fifteen Thousand only). Bail in the Trial Court.
- (ii) The applicant shall not tamper with the prosecution evidence.

(R. M. JOSHI, J.)

(R. G. AVACHAT, J.)

ssp