

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

**INTERIM APPLICATION NO. 1038 OF 2022
IN
CRIMINAL APPEAL NO. 380 OF 2022**

Shankar Laxman Chougule

... Applicant.

Versus

The State of Maharashtra

... Respondent

Mr. Manas Gavankar i/b Mr.Mohammad S. Mulla, for the Applicant.
Mrs. P.P. Shinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 8th JUNE 2022

P. C. :

Heard learned Counsel for the parties.

2 By this interim application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.

3 Learned Counsel for the applicant seeks bail on the ground of parity. He submits that identically co-accused Husen Mainoddin Shaikh's sentence has been suspended and he is enlarged on bail by this Court vide Order dated 10th January, 2022. The said Order is on page No. 98 of this Application.

4 Learned APP does not dispute the same that the role of the accused and co-accused Husen Mainoddin Shaikh is identical.

5 Perused the papers. This Court (Coram: S.S.Shinde and Surendra P. Tawade, JJ) vide Order dated 10th January, 2022 whilst suspending the co-accused Husen Mainoddin Shaikh's sentence and whilst enlarging him on bail, observed in para 8 as follows:

“ It appears that the deceased was travelling in the truck of the applicant. The applicant and the deceased were not knowing each other prior to the incident. It appears that there was quarrel between the applicant, co-accused and the deceased, which resulted into the death of the deceased. So, there is a possibility that the offence may fall into Section 304 (Part-I) or (Part-II). The present appeal may not be heard within the short period. The applicant has already undergone sentence of five years.”

6 The role of the applicant is similar to that of co-accused Husen Mainoddin Shaikh and hence, the applicant is entitled to be enlarged on bail on the ground of parity.

7 Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions :-

ORDER

i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

ii) The applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his appeal is finally disposed of;

iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

8 The application is accordingly disposed of.

9 All concerned to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.