

RMA

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

**INTERIM APPLICATION NO. 1772 OF 2019
IN
CRIMINAL APPEAL NO. 1006 OF 2017
WITH
CRIMINAL APPEAL NO. 1006 OF 2017**

Anappa Vitthal Telgaon .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPEAL NO. 63 OF 2020**

The State of Maharashtra .. Appellant
Vs.
Gunappa Sidhanna Chougale & Ors. .. Respondents

**WITH
CRIMINAL APPEAL NO. 78 OF 2020**

Mahasiddha Siddhanna Chougule .. Appellant
Vs.
The State of Maharashtra & Ors. .. Respondents

**WITH
CRIMINAL APPEAL NO. 31 OF 2018**

Suresh Vitthal Telgaon .. Appellant
Vs.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPEAL NO. 332 OF 2019**

Rajkumar Hanmant Birajdar .. Appellant
Vs.
Mahasidha Sidhanna Chougule & Ors. .. Respondents

**WITH
CRIMINAL APPEAL NO. 493 OF 2019**

The State of Maharashtra .. Appellant
Vs.
Subhash Hanmant Birajdar & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 2083 OF 2021
IN
CRIMINAL APPLICATION NO. 969 OF 2018**

Rajkumar Hanmant Birajdar .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
INTERIM APPLICATION NO. 2080 OF 2021
IN
CRIMINAL APPLICATION NO. 1185 OF 2018**

Rajkumar Hanmant Birajdar .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPLICATION NO. 1689 OF 2018
IN
CRIMINAL APPLICATION NO. 72 OF 2018**

Avadhut Chandaram Chougule .. Applicant
Vs.
The State of Maharashtra .. Respondent

**WITH
CRIMINAL APPEAL NO. 1075 OF 2017**

Somling Hanmant Birajdar & Ors .. Appellants
Vs.
The State of Maharashtra .. Respondent

Mr. Sudhir C. Halli a/w Mr. Sachin Sonawane for Applicant in IA
1772/2019

Mr. Sagar Tambe i/ by Mr. Ritesh Thobde for Appellant in Cri. Appeal
1075/2017

Mr. S.S. Hulke, APP for State

**CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 18th August 2022.

P.C.:

. Interim Application No. 1772 of 2019 is for suspension of sentence and releasing the Applicant on bail.

2. Applicant is original accused No. 13. Applicant along with five others has been convicted under Sections 143, 147, 148, 307 read with 149 of IPC and sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs. 5,000/-

3. Record indicates that, the co-accused i.e. Accused No. 8 - Mahadeo Balani Chougule and Accused No. 1 - Mahasidha Sidhanna Chougule have been released on bail by this Court by Orders dated 30.08.2021 and 16.06.2022 respectively.

4. Perusal of record *prima facie* indicates that, the role attributed to the present Applicant is similar to that of Accused No. 8 - Mahadeo Chougule in the present crime. As the co-accused i.e. Accused No. 8 Mahadeo Balani Chougule and Accused No. 1 - Mahasidha Sidhanna Chougule have been released on bail by this Court, Applicant is also entitled to be released on bail on the ground of parity.

In view thereof, during pendency of the present Appeal, substantive sentence imposed on the Applicant can be suspended and he can be released on bail.

5. Hence the following order:-

- (i) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount;
- (ii) 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) 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.

6. Interim Application No. 1772 of 2019 is accordingly allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

RAVINDRA
MOHAN
AMBERKAR

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by RAVINDRA
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