

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1781 OF 2022

IN

CRIMINAL APPEAL NO. 249 OF 2021

**BANDYA NARASGONDA ADGONDA)
CHINCHWADE)...APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Hrishikesh Mundargi i/by. Ms.Pravada Raut, Advocate for the Applicant.

Mr. V. B. Konde Deshmukh, APP for the Respondent - State.

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

DATE : 22nd JUNE 2022

P.C. :

1 Heard the 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 aforesaid appeal.

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3 The applicant, along with other co-accused, vide judgment and order dated 25th January 2021 passed by learned Sessions Judge, Sangli, in Sessions Case No.64 of 2016, has been convicted and sentenced as under :

- for the offence punishable under Section 302 r/w. Section 120B of Indian Penal Code, 1860, to suffer rigorous imprisonment for life and to pay fine of Rupees 25,000/- each, in default of payment of fine, to suffer rigorous imprisonment for two years each.
- for the offence punishable under Section 120B of the Indian Penal Code, 1860, to suffer rigorous imprisonment for life and to pay fine of Rupees 5000/- each, in default of payment of fine, to suffer rigorous imprisonment for six months.

4 Learned counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused i.e. Hanmant Ananda Kamble and Moula Abdul Mulla sentences have

been suspended and the said co-accused have been enlarged on bail vide order dated 21st October 2021 and 7th June 2022 respectively.

5 Learned APP does not dispute the fact, that the role of the applicant is identical to that of the said co-accused i.e. Hanmant Ananda Kamble and Moula Abdul Mulla.

6 We have perused the orders dated 21st October 2021 and 7th June 2022 passed by this Court by which co-accused Hanmant Ananda Kamble and Moula Abdul Mulla's sentences were suspended and they were enlarged on bail. A perusal of the said orders would show that this Court, after considering the evidence of PW4-Nitin More, PW8-Dhananjay Chavan and PW9-Omkar Jadhav have suspended their sentences and granted bail to the said accused. As far as PW9-Omkar Jadhav is concerned, the said witness had turned hostile. As far as PW4-Nitin More and PW8-Dhananjay Chavan are concerned, both the said witnesses have not named the applicant, as having last seen the applicant in the company of the deceased.

7 As far as the applicant is concerned, there is no recovery of either blood stained clothes or blood stained weapon at his instance.

8 This being the only material qua the applicant, the applicant is also entitled for suspension of his sentence and enlargement on bail. Accordingly, the application is allowed and the sentence of the applicant is suspended and he is enlarged on bail, pending the hearing and final disposal of the aforesaid 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.25,000/- with one solvent surety 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.
- 9 The application is allowed in the aforesaid terms and is accordingly disposed of.
- 10 All concerned to act on the authenticated copy of this order.

(V. G. BISHT, J.)

(REVATI MOHITE DERE, J.)