

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2028 OF 2022****IN****CRIMINAL APPEAL NO. 776 OF 2021**

Sachin @ Batatya Subhash Nichite

... Applicant

V/s.

The State Of Maharashtra

... Respondent

Mr. Sudeep Pasbola i/b Mr. Shubham Gharbhudave for Applicant.

Mr. H. J. Dedhia APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 19th SEPTEMBER, 2022.****PC. :**

1. This is an Application for suspension of sentence and releasing Applicant on bail during the pendency of present Appeal.

2. Heard Mr. Pasbola, learned Advocate for Applicant and Mr. Dedhia, learned APP for State. Perused record.

3. Present case is based on circumstantial evidence.

Record indicates that, Accused No.1 namely Akash Gajanan Salunkhe at whose instance the dead body of Ghanshyam Pathak was discovered by the investigating agency, has been granted bail by the Co-Ordinate Bench by an Order dated 8th June, 2022. The original Accused No.3, Sachin @ Sachya Subhash Nichite and Accused No.4, Dinesh K. Farde have

also been directed to be released on bail by the same Order.

4. The role attributed to the present Applicant is that, at his instance the stolen vehicle of deceased Ghanshyam Pathak was recovered. It is also alleged that, the Applicant visited the office/shop of the deceased alongwith accused No.3 Sachin @ Sachya for booking the said vehicle. *Prima facie* it appears that, the role attributed to the Applicant in present crime is little lessor than that of Accused No.1 Akash Salunkhe. As noted earlier the principal accused at whose instance the dead body of Ghanshyam Pathak was discovered has been granted bail and therefore the principles of parity are squarely applicable to the present Applicant.

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

Hence, the following Order :-

- (i) During the pendency of present Appeal the substantive sentence imposed upon the Applicant is suspended and he is released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from jail, Applicant shall report to Mahatma Phule Chowk Police Station, Kalyan,

District Thane on every first Monday of the month between 10.00 am to 12.00 noon initially for the period of one year and thereafter on every first Monday of every third calendar month i.e. four times in a year during the pendency of Appeal.

(iii) Applicant shall give intimation in writing to the concerned Police Station in case of change of his current address and shall also provide his mobile number, if any, to the concerned Police Station from time to time.

(iv) In case of any two consecutive defaults in marking presency as per the direction in clause No.(ii), in that event, the State will be at liberty to file an Application for cancellation of bail of Applicant.

4. Application is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]