

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2470 OF 2022****IN****CRIMINAL APPEAL NO. 214 OF 2016**

Atul @ Batli Ashok Deskmukh

...Applicant/Appellant

Versus

The State Of Maharashtra

...Respondent

Mr.Sanghraj Rupwate, a/w Ms.Pooja Thakur, Advocate for
Applicant/Appellant.

Ms.M. H. Mhatre, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 30th NOVEMBER, 2022.

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P.C.:-

. This is an Application for suspension of sentence and releasing
the Applicant on bail.

Applicant is Accused No.1 in the present crime.

2. Record indicates that, on 4th January, 2011 Sujit Vitthal Sutar
(Accused No.4) and Sujit Nyaynirgune (Accused No.5) fired by fire-arm on
the head of deceased Deepak Patil and thereafter the present Applicant spat
on the deceased.

3. Applicant is arrested on 7th January, 2011 and since then he is
behind bars. That, Ravichand @ Raja Madanchand Thakur (Accused No.2),
Nitin Pandurang Vaiti (Accused No.7); Raja @ Rajesh Bhalchandar Gavari

(Accused No.6) and Sujit Vitthal Sutar (Accused No.4) have been directed to be released on bail by this Court by various orders. The grounds for releasing those Accused persons on bail is predominantly that, the said Accused persons have undergone substantial period of incarceration either as under-trial prisoner and as a convict.

4. Admittedly, the Applicant is in Jail for last about 12 years. *Prima facie*, it appears that, the role attributed to the present Applicant in the crime is little lessor than the role attributed to Mr. Sujit Vitthal Sutar (Accused No.4), who as per the evidence of PW-7 had fired on the head of deceased Deepak Patil.

5. In view thereof, the Applicant is entitled to be released on bail on the ground of parity with the aforestated four accused persons.

Hence, the following Order :-

- (i) During the pendency of present Appeal, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant is released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties in the like amount.
- (iii) Applicant shall undertake that he shall continue to reside at the address, to be communicated by him during the pendency of the present proceeding and he shall not leave that address.
- (iv) Applicant shall not contact either complainant or any of the

witnesses or their family members and not to indulge in any unlawful activities or business.

- (v) Applicant shall report to Airoli Police Station on every 1st and 15th day of the month and maintain dairy of his attendance duly countersigned by the Police Station In-charge or Senior Police Inspector of Airoli Police Station.
- (vi) Terms and Conditions of this Order shall be complied with within three weeks from today.
- (vii) Failure to comply with these terms and conditions or to obey the same shall constitute breach of this Order and the Trial Court shall in that event proceed to take him in custody in accordance with law.
- (viii) Application is accordingly allowed and disposed off.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)