

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2934 OF 2022****WITH****INTERIM APPLICATION NO. 2933 OF 2022****WITH****CRIMINAL APPEAL NO. 923 OF 2022**

Rajkumar Rampal Yadav

... Applicant/Appellant

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms.Sonal Parab a/w. Mr.Shirish Sawant & Mr.Parth Sanghrajka i/b. Rajeev Sawant & Associates for Applicant/Appellant.

Ms.S.D. Shinde, A.P.P for Respondent No.1-State.

Mr.Kunal Tiwari i/b. K. Juris for Respondent Nos.2 & 3.

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

DATE : 1st December 2022.

PC. :

1. These are applications for suspension of sentence and releasing the Applicant on bail.

2. Heard Ms.Sonal Parab, learned counsel for Applicant, Ms.S.D. Shinde, learned A.P.P for Respondent No.1-State and Mr.Kunal Tiwari, learned counsel for Respondent Nos.2 & 3. Perused record.

3. Applicant is original Accused No.5.

Learned counsel for Applicant submitted that, the original

Accused No.3, namely, Jignesh G. Nandvan, who has been attributed with same and/or similar role has been directed to be released on bail by this Court by Order dated 4th August 2022 and therefore the Applicant is entitled to be released on bail on the ground of parity. She further on instructions submitted that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him.

4. Learned A.P.P. after perusing the record conceded to the fact that, the Applicant is entitled for claiming parity with co-accused Jignesh G. Nandvan (Accused No.3).

5. Perusal of record *prima-facie* indicates that, the Applicant has been attributed with same and/or similar role as was played by Accused No.3- Jignesh G. Nandvan and therefore he is entitled to be released on bail on the ground of parity. Record further indicates that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him.

6. In view of above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on the following terms and conditions.

- (i) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two 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.
7. Both the Applications are allowed in the aforesaid terms.
8. All concerned to act on an authenticated copy of this Order.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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