

RMA

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

**INTERIM APPLICATION NO. 3134 OF 2022
IN
CRIMINAL APPEAL NO. 31 OF 2018**

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

Ms. Shifa Khan i/by Dr. Yug Mohit Chaudhry for Applicant
Mr. S.S. Hulke, APP for State

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

DATE : 17th November, 2022.

P.C.:

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

2. Record indicates that, the earlier Application i.e. Criminal Application No. 944 of 2018 preferred by the Applicant was rejected by the learned Single Judge by its Order dated 19.09.2019.

3. Applicant / Appellant is original Accused No. 3.

Applicant along with five other accused persons has been convicted under Sections 143, 147, 148, 307 read with 149 of IPC and is sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs. 5,000/-.

4. Record indicates that, subsequent to the rejection of earlier Application for suspension of sentence and releasing the Applicant on bail by Order dated 19.09.2019, other four co-accused namely

Mahadeo B. Chougule (Accused No. 8), Mahasidha S. Chougule (Accused No. 1), Anappa Vitthal Telgaon (Accused No. 13) and Gunappa S. Chougule (Accused No. 2) have been directed to be released on bail by this Court by Orders dated 30.08.2021, 16.06.2022, 18.08.2022 and 11.11.2022 respectively.

5. Perusal of record *prima facie* indicates that, the role attributed to the present Applicant is similar to that of above stated Accused Nos. 1, 2, 8 and 13. Since those Accused have been released on bail by this Court, Applicant is entitled to be released on bail on the ground of parity.

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

7. Hence the following order:-

- (i) Applicant be enlarged on bail on his 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.

8. Interim Application No. 3134 of 2022 is accordingly allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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