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

**INTERIM APPLICATION NO. 3133 OF 2022
IN
CRIMINAL APPEAL NO. 1006 OF 2017**

Gunappa Sidhanna Chougule

Applicant

.. (Org. Accused No. 2)

Vs.

The State of Maharashtra

.. Respondent

Ms. Shifa Khan i/by Dr. Yug Mohit Chaudhry for Applicant

Ms. J.S. Lohakare, APP for State

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

DATE : 11th November, 2022.

P.C.:

. By the present Interim Application, Applicant is seeking suspension of sentence and enlargement on bail.

2. Applicant is original accused No. 2. He has been convicted along with 5 others under Sections 143, 147, 148 and 307 r/w 149 of Indian Penal Code (for short “**IPC**”) and sentenced to suffer rigorous imprisonment for 10 years and to pay fine of Rs. 5,000/-.

3. We have heard Ms. Shifa Khan, learned Advocate appearing for Applicant and Ms. J.S. Lohakare, learned APP appearing on behalf of State. We have also perused the record of the case.

4. From perusal of record, it is seen that Applicant has been convicted for assaulting PW-2. However, PW-2 himself has been convicted under Section 302 IPC for murder of Applicant’s father

immediately prior to the assault on the Applicant. PW-2 and PW-6 have been convicted for the offence under Section 302 IPC and have been granted bail by this Court on 08.06.2018 and 09.08.2018.

4.1. Further it is seen that three other co-accused namely Accused No. 1 – Mahasidha Sidhanna Chougule, Accused No. 8 – Mahadeo Balani Chougule and Accused No. 13 – Anappa Vitthal Telgaon have been released on bail by this Court by orders dated 30.08.2021, 16.06.2022 and 18.06.2022. Perusal of record *prima facie* indicates that the role attributed to the present Applicant is similar to that of Accused Nos. 1, 8 and 13. Further it is seen that the Appellant is already in custody for 4 & $\frac{1}{4}$ years. Since the co-accused have been released on bail by this Court, Applicant is entitled to be released on bail on the ground of parity.

5. In view of the above, during pendency of the present Appeal, the substantial sentence imposed on the Applicant can be suspended and he can be enlarged on bail.

6. Hence, the following order:-

- (i) Applicant be enlarged on bail on 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.

7. Interim Application No. 3133 of 2022 is accordingly allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

RAVINDRA
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