

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3510 OF 2022
IN
CRIMINAL APPEAL NO. 801 OF 2017

Mangesh Arun Bhoir

Applicant

Versus

The State of Maharashtra

Respondent.

...

Mr. Aniket U. Nikam i/b. Mr. Amit Icham, Advocate for the
Applicant.

Mr. K.V. Saste, APP for the State.

...

***CORAM : REVATI MOHITE DERE &
R.N.LADDHA, JJ.***

DATE : 30th NOVEMBER 2022

Digitally
signed by
LATA SUNIL
PANJWANI
Date:
2022.12.16
18:14:01
+0530

ORDER (PER R.N. LADDHA, J)

By this application, the Applicant is seeking suspension of sentence and enlargement on bail, pending the hearing and final disposal of the present Appeal No. 801 of 2017.

2. It is the case of the prosecution that the present applicant,

alongwith the co-accused held deceased, abused him and co-accused Bhalchandra fired from his revolver to which the deceased succumbed.

3. Mr Aniket Nikam, learned Counsel appearing on behalf of the applicant, submitted that the co-accused are already released on bail. He submits that the applicant stands on a far better footing than the co-accused Bhalchandra Bhoir, who was enlarged on bail by the Hon'ble Supreme Court vide order dated 13/02/2020 in Special Leave to Appeal (Crl.) No.11133/2019. The applicant is languishing in jail for a considerable period. On this basis, it is submitted that the applicant may be released on bail.

4. Mr K.V.Saste, learned Additional Public Prosecutor does not dispute that the role of the co-accused Bhalchandra was more serious than the role of the present applicant.

5. We have perused the documents placed on record. It reveals from record that the applicant, alongwith other co-accused vide judgment and order dated 25/07/2017, passed by the learned Additional Sessions Judge, Kalyan, in Sessions Case No.62/2010, has been convicted for various offences. Post the applicant's conviction and sentence, the applicant preferred the aforesaid appeal. The Hon'ble Apex Court, while releasing the co-accused

Bhalchandra Bhoir on bail, has observed that the said accused has been in custody for more than ten years. By this application, the applicant seeks bail on the grounds of parity, delay in hearing the aforesaid appeal and also on the ground of incarceration of more than ten years.

6. Considering the aforesaid, Interim Application No.3510/2022 is allowed. The applicant is entitled to bail on the ground of parity. Accordingly, the applicant's sentence is suspended, and he is enlarged on bail, pending the hearing and final disposal of his Appeal No.801 of 2017 on the following terms and conditions:

- a) The Applicant Mangesh Arun Bhoir be released on bail on furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.
- b) The Applicant shall report to the trial Court once in 3 months on the day/date specified by the trial Court till the Appeal is finally disposed of.
- c) The Applicant shall keep the trial Court informed of the current address and mobile contact number

and/or change of residence or mobile details, if any,
from time to time.

d) 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.

e) The Interim Application is accordingly disposed of.

f) All concerned to act on the authenticated copy of this order.

R.N. LADDHA, J.

REVATI MOHITE DERE, J.

L.S. Panjwani, P.S.