

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3984 OF 2022****IN****CRIMINAL APPEAL NO. 1006 OF 2017**

Malappa Vitthal Telgaon

... Applicant/Appellant

V/s.

State Of Maharashtra

... Respondent

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

Mr. Ajay Patil APP for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 13th DECEMBER, 2022.****P.C. :**

1. 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that, the earlier Application i.e. Criminal Application No. 1689 of 2017 preferred by Applicant was disposed off as withdrawn by Order dated 9th March, 2018.

3. Applicant/Appellant is original Accused No.7.

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 withdrawal of earlier Application for suspension of sentence and releasing the Applicant on bail

on 9th March, 2018, other five co-accused namely Mahadeo B. Chougule (Accused No.8), Mahasidha S. Chougule (Accused No.1), Anappa Vitthal Telgaon (Accused No.13), Gunappa S. Chougule (Accused No.2) and Suresh V. Telgaon (Accused No.7) have been directed to be released on bail by this Court by Orders dated 30th August, 2021, 16th June, 2022, 18th August, 2022, 11th November, 2022 and 17th November, 2022 respectively.

5. Perusal of record *prima-facie* indicates that, role attributed to present Applicant is little lessor than the role attributed to co-accused Suresh V. Telgaon to whom we have directed to be released on bail. Since accused Suresh V. Telgaon has 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 following Order :

- (i) Applicant be enlarged on bail on his furnishing PR. 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. 3984 of 2022 is accordingly allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]