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

**INTERIM APPLICATION NO.3034 OF 2023
IN
CRIMINAL APPEAL NO.751 OF 2018**

Milind Ashok Patil & Anr.

..Applicants

Versus

The State of Maharashtra

..Respondent

Mr. Niranjan Mundargi i/by Rishikesh Mohite, for the Applicants.
Smt. M. M. Deshmukh, APP for the Respondent/State.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ.**

DATE : 7th SEPTEMBER, 2023

P.C.

1. The accused No.1/Milind Patil and accused No.10/Ganesh Kalgutagi are before this Court, who are convicted in Sessions Case No.63 of 2014 for an offence punishable under Sections 302, 307, 143, 147, 148, 149, 323, 504, 506 and 120-B of IPC and are sentenced to life imprisonment.

2. The prayer is for suspension of sentence and grant of bail on the principle of parity. It is claimed that accused No.2/Mahesh, accused No.6/Pramod, so also, accused No.5/Nishant are ordered to be released either by Apex Court or High Court. According to Mr. Niranjan Mundargi, learned counsel for the applicants, perusal of the order will reflect that since the Court is not likely to hear matter in recent future and the applicants

have already suffered incarceration for a period of more than nine years, they are required to be released based on principles of parity with other accused as referred above. He would further urge that the case of the Milind Patil is similar as that of accused No.5/Nishant.

3. Learned APP submits that there is strong evidence against the accused persons and prays for rejection of the application.

4. We have considered the submissions.

5. The fact about the release of accused No.2/Mahesh and accused No.5/Nishant by the order of the Apex Court is not in dispute. The fact remains that both these accused persons are convicted for the similar role. The Apex Court has directed release of the said accused persons purely on the basis that they having suffered long incarceration. In the case in hand, Milind Patil and Ganesh Kalgutagi have suffered incarceration for a period of more than nine years. As such, counsel for the applicants can be said to be justified in claiming parity with the aforesaid accused persons. In this background, we direct both the applicants i.e. accused No.1/ Milind Patil and accused No.10/Ganesh Kalgutagi, who are convicted in Sessions Case No.63 of 2014 vide judgment and order dated 23rd April, 2018 by Additional Sessions Judge, Kolhapur be released on bail on the following conditions :-

- (a) The applicants be released on bail on their furnishing PR Bond of Rs.25,000/- with one or two local sureties in the like amount.
 - (b) After their release from jail, the applicants shall attend the Karvir Police Station, Kolhapur to mark their presence on every first Monday between 11.00 a.m. and 1.00 p.m. initially for one year and thereafter on first Monday of every third month between 11.00 am and 1.00 pm i.e. four times in a year.
 - (c) Applicants shall give intimation in writing to the concerned Police Station in case of change of their current address and shall also provide their mobile number, if any, to the concerned Police Station from time to time.
 - (d) In case of any two consecutive defaults in marking presency as per the direction in clause No.(ii), in that even, the State will be at liberty to file an application for cancellation of bail of applicants.
6. The application as such stands allowed in above terms.

[RAJESH S. PATIL, J.]

[NITIN W. SAMBRE, J.]