

3. Learned Advocate for the applicant submitted that the applicant has undergone actual imprisonment of 10 years, 07 months and 28 days and including remission he has undergone the period of 14 years, 05 months and 09 days. The co-accused were also convicted for an offence under Section 302 of IPC were directed to be released on bail by this Court vide order dated 4th October 2023 passed in Interim Application No.3287 of 2023.

4. Learned A.P.P submitted that the overt act attributed to the applicant can be distinguished from the co-accused, who has been granted bail by this Court. It is further submitted that the applicant has undergone actual imprisonment of 10 years, 7 months and 28 days. Learned A.P.P produced the report submitted by the jail. The said report is taken on record. It is further submitted that the remission period of custody undergone by the applicant is 14 years, 05 months and 09 days. The applicant was attributed role of assaulting by weapon, whereas the co-accused who are granted bail were assigned the role of assisting the applicant in committing the crime. They were not armed with weapons.

5. We have perused the order dated 4th October 2023. While suspending the sentence and granting bail to the co-accused,

this Court had not considered the merits of the case but took into consideration the fact that they were in custody for a period of about 12 years.

6. It is pertinent to note that the applicant has actually undergone the period of 10 years, 07 months and 28 days and with remission he has completed period of 14 years, 05 months and 09 days. Considering these circumstances, case for suspension of sentence and grant of bail is made out.

ORDER

- i. Interim Application No. 4084 of 2023 is allowed.
- ii. During the pendency of Criminal Appeal No.681 of 2014, the substantive sentence of imprisonment imposed vide Judgment and order dated 25th July 2014 passed by the learned Sessions Judge, Solapur in Sessions Case No.150 of 2011 is suspended and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- iii. The applicant shall attend the concerned Police Station once in three months on first Saturday of the month till the final disposal of the appeal;
- iv. Interim Application stands disposed of accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)