

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 179 OF 2023****WITH****INTERIM APPLICATION NO.180 OF 2023****IN****CRIMINAL APPEAL NO. 167 OF 2023**

Vishal Jaswantbhai Solanki

...Applicant

Versus

The State Of Maharashtra And Ors.

...Respondents

Mr.Sherish Sawant a/w Ms.Sonal V. Parab i/by Mr.Rajeev Sawant and Associates Advocates for Applicant.

Mr.Ajay Patil, APP for Respondent-State.

Mr.Avnendra Kumar a/w Mr.Kunal Tiwari i/by K. Juris for Respondent No.2.

PSI. Kamble, Dahisar Police Station is present.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 28th APRIL 2023.

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P.C.:-

1. These are Applications for suspension of sentence and releasing the Applicant on bail.
2. Learned Advocate for the Applicant submitted that, the co-accused namely Jignesh G. Nandvan (A-3) and Rajkumar R. Yadav (A-5), who have been attributed with the same or similar role, have been directed to be released on bail by this Court by Orders dated 4th August 2022 and 1st

December 2022, respectively. He submitted that, as a matter of fact role attributed to the Applicant herein is little lesser than the role attributed to the said two accused persons. He therefore submitted that, the Applicant is entitled to be released on bail on the ground of parity.

4. Learned Advocate appearing for Respondent No.2/victim vehemently opposed the Application.

5. Learned APP after perusing record fairly conceded to the fact that, parity is applicable to the present Applicant with co-accused Nos. 3 and 5.

6. Perusal of record *prima facie* indicates that, the Applicant has been attributed with same and/or similar role as was played by Accused No.3- Jignesh G. Nandvan and therefore he is entitled to be released on bail on the ground of parity. Record further indicates that, the Applicant was on bail during the pendency of trial and there is no report of breach of any of the conditions imposed upon him.

7. In view of above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail in the following terms and conditions.

(i) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two 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 off.

(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. Both the Applications are allowed in the aforesaid terms.
9. All concerned to act on an authenticated copy of this Order.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)