

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 293 OF 2023****IN****CRIMINAL APPEAL NO. 66 OF 2023**

Sanket Narayan Mhaske & Anr.

.....Applicants

Vs.

The State Of Maharashtra

.....Respondent

Mr. Ashok Mundargi, Senior Advocate i/by Adv. Meghdeep Oak for the Applicants.

Mr. S.S. Hulke APP, for the Respondent-State.

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

DATE : 15th FEBRUARY, 2023.

P.C.:-

This is an Application for suspension of sentence and releasing the Applicants on bail by Original Accused Nos. 4 and 7.

2) Mr. Mundargi, learned Senior Advocate for the Applicants submitted that, co-accused namely Nana Nathu Mandhare (A-6), Kailas Dhondur Navghane (A-9) and Vilas Pandurang Gogavale (A-5) have been released on bail by suspending their sentence by the Co-ordinate/this Bench of this Court. That, the role attributed to the present Applicants is same and/or similar to that assigned to the co-accused Nana, Kailas and Vilas and therefore the case of the Applicants be considered on the ground of parity.

3) Learned APP after perusing the record fairly conceded to the fact that, the Applicants are entitled to have parity with the said three accused persons who have been granted bail by the co-ordinate/this Bench of this Court.

4) Perusal of evidence on record would clearly indicates that, the role attributed to the Applicants is same and/or similar to that of assigned to Kailash as mentioned in Interim Application No.339 of 2023 and therefore the Applicants are entitled to be released on bail on the ground of parity.

5) In view thereof, during the pendency of the present Appeal, substantive sentence imposed upon the Applicants can be suspended and they can be released on bail on the following terms and conditions.

Hence, the following Order:-

- (i) During the pendency of present Appeal, the substantive sentence imposed upon the Applicants is suspended.
- (ii) Applicants be released on bail in Sessions Case No. 1 of 2021 on their furnishing PR. bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.
- (iii) After their release from Jail and during the pendency of the present Appeal, initially for a

period of one year the Applicants shall attend Poladpur Police Station, District Raigad on every first Monday of the month between 10:00 am and 12:00 noon.

After end of one year, the Applicants shall attend Poladpur Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The Applicants thus shall attend Poladpur Police Station four times in a year during the pendency of the present Appeal.

- (iv) If the Applicants commit two consecutive defaults in complying with condition No.(iii) above, in that event, the prosecution will be at liberty to file an Application for cancellation of bail.
 - (v) Applicants shall not tamper with the evidence and/or interfere with the process of investigation.
- 6) Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

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SHARNAPPA
MASHALKAR

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