

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 203 OF 2023****IN****CRIMINAL APPEAL NO. 44 OF 2023**

Nana Nathu Mandhare

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Ms. Prachi Tatake a/w. Mr.Vaibhav Sugdare for Applicant/Appellant.
Mr. Ajay Patil, A.P.P. for Respondent-State.

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

DATE : 25th January 2023.

P.C. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Learned Advocate for Applicant submitted that, the co-accused namely Vilas P. Gogavale, who has been attributed with same and/or similar role, has been granted bail by the Co-ordinate Bench of this Court by its Order dated 12th January 2023 passed in Interim Application No. 4318 of 2022 in Criminal Appeal No. 1236 of 2022 and therefore the Applicant is entitled to be released on bail on the ground of parity.
3. Perusal of evidence of PW-1 and PW-2, who are the alleged eye witnesses indicates that, no specific overt act is attributed to the Applicant

and only general allegations are made against him. Applicant is in jail since 1st June 2020. Learned Advocate, on instructions, submitted that, there are no antecedents at the discredit of Applicant.

4. In view of above, during the pendency of present Petition, substantive sentence imposed upon Applicant can be suspended and he can be released on bail.

Hence, the following Order :-

- (i) During the pendency of present Appeal, the substantive sentence imposed upon Applicant is suspended.
- (ii) Applicant be released on bail in Sessions Case No. 1 of 2021 on his furnishing PR. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (iii) After his release from Jail and during the pendency of the present Appeal, initially for a period of one year the Applicant 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 Applicant shall attend Poladpur Police Station on every first Monday of every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Poladpur Police Station four times in a year during the pendency of the present Appeal.

- (iv) If the applicant commits 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) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

5. Application is allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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