

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 465 OF 2023****IN****CRIMINAL APPEAL NO. 123 OF 2023**

Raju Shripat Kalgude

...Applicant/Appellant

V/s.

State Of Maharashtra

...Respondent

Mr. Veerdhawal Deshmukh, Advocate for Applicant/Appellant.

Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

Mr. Sameer Mhatre i/by Mr. Rakesh Patil, Advocate for Intervenor/Original Informant.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 3rd MARCH, 2023.****P.C.:-**

. This is an Application for suspension of sentence and releasing the Applicant on bail, by Original Accused No.8.

2. Heard Mr. Deshmukh, learned Advocate for Applicant/Appellant, Mrs. S.D. Shinde, learned A.P.P. for the Respondent-State and Mr. Mhatre, learned Advocate for Intervenor/Original Informant. Perused record.

3. Record indicates that, the co-accused namely Vilas Pandurang Gogawale (A-5), Nana Nathu Mandhare (A-6), Kailas Dhondur Navghane (A-9), Sanket Narayan Mhaske (A-4) and Nana Dhondur Mhaske (A-7) have been granted bail by this Court by Orders dated 12th January 2023, 25th January 2023, 31st January 2023 and 15th February 2023 respectively.

4. Perusal of evidence of PW-1 and PW-2 indicates that, the role attributed to the present Applicant is same and/or similar to that as has been assigned to other five co-accused, who are directed to be released on bail by this Court as noted above. Therefore Applicant is also entitled to be released on bail on the ground of parity.

5. In view of above, during the pendency of present Appeal, substantive sentence imposed upon the 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 P.R. 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 third Month i.e. four times in a year between 10.00 am and 12.00 noon 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.
6. Application is allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)