

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 685 OF 2023****IN****CRIMINAL APPEAL NO. 505 OF 2018**

Suresh Shankar Raut

...Applicant/Appellant

Versus

State Of Maharashtra

...Respondent

Mr. A. H. H. Ponda, Senior Advocate i/by Mr.Karma Vivan
Advocate for Applicant/Appellant.

Ms. G. P. Mulekar, APP for Respondent-State.

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

DATE : 8th MARCH, 2023.

P.C.:-

1. This is a consecutive Application for suspension of sentence and releasing on bail, the Applicant/Original Accused No.3. The earlier application bearing No.954 of 2018 preferred by Applicant along with other accused persons was disposed off as withdrawn by an Order dated 19th July 2018.

2. Mr. Ponda, learned Senior Advocate for Applicant submitted that, the co-accused namely Narayan Shankar Raut, who has been attributed with same and/or similar role, has been released on bail by the co-ordinate Bench of this Court by its Order dated 23rd January 2023 passed in Interim

Application No.179 of 2019 and therefore the Applicant is entitled to be released on bail on the ground of parity.

3. Learned APP after perusing the record fairly conceded to the said fact that, the Applicant is entitled to be released on the ground of parity with Narayan Shankar Raut.

4. Perusal of evidence on record indicates that, the material witnesses i.e. PW-8 and PW-10 have given different version about the injuries caused to deceased Tanaji. The Applicant has been named as one of the assailants armed with wooden log while assaulting deceased however, there is no specific role attributed to the Applicant regarding manner of assault on a particular part of body. A general statement is made that, the Applicant assaulted deceased along with other co-accused.

5. Applicant is a senior citizen and as per the Disability Certificate issued by Medical Authority, District Thane, Maharashtra State, the Applicant is suffering from 40% of permanent disability.

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

Hence, following Order:-

(i) During the pendency of present Appeal, the substantive sentence imposed upon Applicant is suspended.

(iii) Applicant is directed to be released on bail on executing PR

bond of Rs. 25,000/- with one or two sureties in the like amount;

(iv) Till the conclusion of hearing of Appeal, Applicant shall remain outside the jurisdiction of concerned Police Station.

7. Application is allowed in the aforesaid terms.

8. Mr. Vivan, learned Advocate for Applicant gives an undertaking to this Court that, he will file his *vakalatnama* along with Mr. Balwant V. Salunkhe in main Appeal also on behalf of present Applicant.

Undertaking is accepted.

9. All the concerned to Act on the basis of an authenticated copy of this Order.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)