

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1093 OF 2023****IN****CRIMINAL APPEAL NO. 238 OF 2016**

Jaideep Jaiwant Salvi

...Applicant/Appellant

Versus

The State Of Maharashtra

...Respondent

Mr. Ayush Pasbola for Applicant/Appellant.

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

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 19th APRIL 2023.****P.C.:-**

1. By the present Application, the Applicant-Original Accused No.3 in Sessions Case No. 144 of 2011 has prayed for suspension of sentence and releasing the Applicant/Appellant on bail, during the pendency of present Appeal.
2. Record indicates that, the co-accused namely (i) Sujit Vitthal Sutar, (ii) Atul @ Batli Ashok Deskmukh and (iii) Sujit Vasant Nyaynirgune have been directed to be released on bail by this Court by Orders dated 8th January 2021, 30th November 2022 and 22nd February 2023, respectively.
3. Evidence on record indicates that, the role attributed to the present Applicant, i.e. shattering the glass pane of the car by hammer is little laser

than the role attributed to Sujit Vitthal Sutar and Atul @ Batli Ashok Deshmukh, who have been assigned with the role of firing on the deceased Deepak Patil and causing injuries to a witness namely Kiran Choure (PW-6). As noted earlier, the co-accused, who have been attributed with serious role than the role attributed to the Applicant have been directed to be released on bail.

4. According to us, the principle of parity squarely applies to the Applicant for releasing him on bail during the pendency of his Appeal.

5. Hence following order:-

- (i) During the pendency of present Appeal, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant is released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent local sureties in the like amount.
- (iii) Applicant shall undertake that he shall continue to reside at the address, to be communicated by him during the pendency of the present proceeding and he shall not leave that address.
- (iv) Applicant shall not contact either complainant or any of the witnesses or their family members and not to indulge in any unlawful activities or business.
- (v) Applicant shall report to Airoli Police Station on every 1st and 15th day of the month and maintain diary of his attendance

duly countersigned by the Police Station In-charge or Senior Police Inspector of Airoli Police Station.

- (vi) Terms and Conditions of this Order shall be complied with within three weeks from today.
 - (vii) Failure to comply with these terms and conditions or to obey the same shall constitute breach of this Order and the Trial Court shall in that event proceed to take him in custody in accordance with law.
6. Application is accordingly allowed in aforesaid terms.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)