

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2829 OF 2023
IN
CRIMINAL APPEAL NO. 870 OF 2023**

Vyankatesh Nanasaheb More ...Appellant
Versus
The State Of Maharashtra & Anr. ...Respondents

Mr. Aniket U. Nikam a/w Mr. Piyush Toshnival a/w Mr. Aashish Satpute i/by Mr. Amit Icham, Advocates for applicant.

Mr. A. R. Patil, APP for the Respondent-State.

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CORAM : NITIN B. SURYAWANSHI, J.
DATE : 31st OCTOBER 2023

PC.:

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal preferred by applicant challenging the judgment of conviction.

2. Applicant is convicted by the District Judge-3 and Additional Sessions Judge, Nashik under Sections 143, 147, 148, 307 read with Section 149 of the Indian Penal Code, 1860 and Section 7 of Criminal Law Amendment Act in Sessions Case No. 68 of 2017 and sentenced to suffer RI for seven years and to pay the fine of Rs. 10500/-.

2. Learned Advocate for applicant fairly pointed out that one of the co-accused in the present crime namely Rakesh Tukaram Koshti's bail application has been rejected by this Court vide order dated 8th September 2023. He however, pointed out that accused had undergone only one year and ten months imprisonment whereas the present applicant has undergone four years and eight months imprisonment.

3. Learned APP opposed the application contending that there is one more offence registered against the applicant under Section 302 of IPC. In reply, learned Advocate for applicant has placed on record a copy of order passed by this Court (Coram : V. G. Bisht, J.) dated 20th December 2021 in Bail Application No. 1371 of 2020, whereby applicant was granted bail in the said offence on the ground that at the time of commission of offence, applicant was in jail. The said observation is in paragraph 14 of the order.

5. Sentence imposed on the applicant is a short term sentence. In the light of decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai and Ors. Vs. State of Gujarat (1999) Sc (Cri.) 553, and as applicant has already undergone substantive sentence of four years and eight months imprisonment by now and as no special ground are

made out to deny relief to the applicant, application deserves to be allowed. Hence, the following order:-

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment imposed vide judgment and order dated 11th July 2023 in Sessions Case No. 68 of 2017 is suspended during the pendency of the appeal.
- (iii) Applicant - Vyankatesh Nanasaheb More be released on bail on executing PR bond in the sum of Rs. 15,000/- with one surety in the like amount.
- (iv) Applicant shall attend concerned Police Station once in a month on every first Sunday between 10:00 am to 12:00 noon.
- (v) Applicant shall furnish his present address and cellphone number with the Police Station.

(NITIN B. SURYAWANSHI, J.)