

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2442 OF 2022****IN****CRIMINAL APPEAL NO. 259 OF 2019**

Mahesh Dinkar Kulkarni

... Applicant/Appellant

V/s.

The State Of Maharashtra

... Respondent

WITH**INTERIM APPLICATION NO. 2730 OF 2022****IN****CRIMINAL APPEAL NO. 561 OF 2019**

Ajay @ Chotya Suresh Jadhav

... Applicant/Appellant

V/s.

The State Of Maharashtra

... Respondent

Ms. Suvarna Avhad Vast for Applicant/Appellant.

Mr. S. S. Hulke APP for Respondent State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 10th FEBRUARY, 2023.****PC. :**

1. These are Applications for suspension of sentence and releasing Applicants/Appellants on bail pending Appeal.
2. Applicant in Interim Application No. 2442 of 2022 is Org. Accused No.4 and Applicant in Interim Application No. 2730 of 2022 is Org. Accused No.1. Applicants have been convicted under Section 302 read with Sections 34 of the Indian Penal Code by the learned Additional

Sessions Judge, Pune in Sessions Case No. 348 of 2015 by its Judgment and Order dated 7th December, 2018.

3. The co-accused namely Nitin Ranzhunjar (Org. Accused No.3) has been granted bail by this Court by suspending the sentence during pendency of Appeal by Order dated 4th January, 2023 passed in Interim Application No. 3110 of 2022 in Criminal Appeal no. 321 of 2019.

4. Perusal of record indicates that, allegations and evidence against Applicants is similar to that of co-accused Nitin Ranzhunjar who has been granted bail by this Court. Perusal of evidence *prima-facie* indicates that, though the Applicants have been identified by eye witnesses to the incident as the persons who had concealed themselves in the nearby bushes and appeared at the scene of offence after Accused No.2 Sagar Labade obstructed and assaulted him with sickle, however no specific roles have been attributed to the Applicants.

As noted earlier Applicants are similarly situated to that of co-accused Nitin Ranzhunjar and therefore are entitled to be released on bail on the ground of parity.

5. Hence the following Order :

- (i) During the pendency of present Appeal, substantive sentence imposed upon the Applicants is suspended.
- (ii) Applicants be released on bail in C.R. No.5 of 2015 registered with Sinhagad Road Police Station, Pune on

their furnishing P.R. bond of Rs. 25,000/- each with one or two local solvent sureties in the like amount.

- (iii) After their release from Jail and during the pendency of Appeals, Applicants shall attend Sinhagad Road Police Station, Pune on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year and subsequently, on every first Monday of the every 3rd month i.e. four times in a year, between 10.00 a.m. and 12.00 noon.
- (iv) If the Applicants commit 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. Applicants are allowed in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)