

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2838 OF 2022****IN****CRIMINAL APPEAL NO. 593 OF 2022**

Gajanan Prakash Gavali

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Ranjeet Patil for the Applicant.

Mrs. M.M. Deshmukh APP, for the Respondent-State.

Ms. Saloni Ghule Advocate appointed for the Respondent No.2.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 27th JUNE, 2023.****P.C.:-**

1) This is an Application for suspension of sentence and releasing the Applicant on bail, by original accused No.1.

2) Learned Advocate for the Applicant submitted that, the co-accused namely Hanmant Ananda Kamble (A-3), Moula Abdul Mulla (A-11) Bandy Narasgonda Adgonda Chinchwade (A-2) and Appa @ Sitaram Pandurang More (A-4) have been released on bail by this Court by its Orders dated 21st October, 2021, 7th June, 2022, 22nd June, 2022 and 17th August, 2022 respectively. That, the role attributed to the Applicant in the present crime is same and similar to that of co-accused released on bail by

this Court. The Applicant is therefore entitled to be released on bail on the ground of parity.

3) Learned APP after perusing the entire record fairly submitted that, parity is applicable to the Applicant with the accused persons who have been released on bail by this Court.

4) Perusal of record clearly indicates that, the role played and attributed to the Applicant in the present crime is same and similar to that of the accused persons namely Hanmant (A-3), Moula (A-11), Bandya (A-2) and Appa @ Sitaram (A-4) who have been released on bail by this Court by its Orders dated 21st October, 2021, 7th June, 2022, 22nd June, 2022 and 17th August, 2022 respectively. According to us, Applicant deserves to be released on bail on the ground of parity.

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

Hence, the following Order:-

- (a) During the pendency of present Appeal the substantive sentence imposed upon the Applicant is suspended and he is released on bail on his furnishing P.R. bond of Rs.25,000/- with one solvent surety in the like amount;
- (b) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till

his Appeal is finally disposed off;

- (c) Applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;
 - (d) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an Application seeking cancellation of bail.
- 6) Application is allowed in the aforesaid terms.
- 7) All the concerned to act on the basis of an authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
Date: 2023.07.05
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