

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3879 OF 2023

IN

CRIMINAL APPEAL NO. 279 OF 2020

Virendra Drinkpalsingh Thakur @ Viren

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Sudeep Pasbola a/w Ravi S. Dwivedi for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

P.S.I. Mr. Sawant, Nirmal Nagar Police Station, Mumbai is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 20th December 2023.

P.C. :

1) This is a successive application for suspension of sentence and releasing the Applicant on bail. The earlier application preferred by the Applicant bearing Interim Application No. 2501 of 2022 and the application preferred by the co-accused Deepak Sharma bearing Interim Application No. 1453 of 2022, were dismissed by this Court on merits by a common Order dated 6th April 2023.

2) Against the Order dated 6th April 2023 passed in Interim Application No. 1453 of 2022, the co-accused Deepak Sharma had preferred SLP (Crl.) No. 10158 of 2023 before the Hon'ble Supreme Court. The

Hon'ble Supreme Court by its Order dated 9th October 2023 was pleased to set-aside the said Order dated 6th April 2023 qua the Appellant therein i.e. Deepak Sharma and after taking into consideration the period he has already undergone in incarceration i.e. around 10 years, was pleased to release him on bail on the appropriate terms and conditions to be imposed by the Trial Court. The Hon'ble Supreme Court has imposed a condition that, the co-accused shall not enter Mumbai Suburban District except for attending pending cases against him.

3) Perusal of record indicates that, the Applicant herein is similarly situated and is entitled to be released on bail on the ground of parity with co-accused Deepak Sharma.

4) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is released on bail on the following terms and conditions:

- (i) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in MCOC Special Case No. 02 of 2014 on his furnishing P.R. bond of Rs.1,00,000/- with one or more solvent local sureties in the like amount.
- (iii) After his release from jail and during the pendency of present Appeal, Applicant shall not enter Mumbai suburban District except for attending the pending cases against him.

- (iv) Before his actual release from jail, Applicant shall provide his prospective residential address to the Investigating Agency
 - (v) After his release from jail, Applicant shall mark his presence on every alternate Monday initially for a period of six months, before the concerned Police Station within whose jurisdiction he intends to reside, after his release from jail.
 - (vi) After end of six months, Applicant shall mark his presence to the concerned Police Station once in month i.e. on the first Monday of every month, during the pendency of Appeal.
 - (vii) In case of any two consecutive defaults committed by the Applicant in complying with condition Nos.(v) & (vi) above, the prosecution will be at liberty to file an application for cancellation of his bail.
- 5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)