

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3765 OF 2023

IN

CRIMINAL APPEAL NO. 1134 OF 2023

Datta Kisan Gole

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Ravindra S. Pachundkar a/w Mr. Nanasaheb Shevmode for
Applicant.

Mrs. M. H. Mhatre, APP for Respondent-State.

Digitally signed
by ETHAPE
DNYANESHWAR
ASHOK
Date: 2023.12.01
10:26:56 +0530

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 28th NOVEMBER 2023

P.C.:-

1. This is an application for suspension of sentence and grant of bail during the pendency of Criminal Appeal No.1134 of 2023.
2. The Applicant is convicted vide judgment and order dated 19th May 2016 passed by learned Additional Sessions Judge, Pune in Sessions Case No. 318 of 2010 for offence under Section 302 of Indian Penal Code, 1860 and sentenced to suffer imprisonment for life.
3. The case of prosecution is that, the applicant and co-accused were involved in assault and using fire-arm against the deceased which resulted

in his death.

4. Accused Yogesh Bhau Gurav, Hemant Pandurang Dabhekar and Sharad Hiranman Mohol were granted bail by this Court by suspending the sentence of imprisonment.

5. Learned Advocate for applicant submitted that applicant is entitled for bail on the ground of parity. The convicts, who are released on bail were attributed similar role, which has been assigned to applicant. The applicant has undergone imprisonment for a period of 12 years 9 months.

6. The observations in paragraph 141 of the impugned judgment refers to role of aforesaid convicts and the applicant as persons, who had fired at deceased. While granting bail to co-convicts, this Court had taken into consideration the fact that they have undergone incarceration for a period of 12 years.

7. Considering the above factors, case for suspension of sentence and grant of bail to the applicant, during pendency of appeal challenging the judgment of conviction is made out.

ORDER

(i) Interim Application No. 3765 of 2023 is allowed.

(ii) The substantive sentence of imprisonment imposed vide Judgment and order dated 19th May 2016 passed by learned Additional Sessions Judge, Pune in Sessions Case No. 318 of 2010 is suspended pending appeal

and the applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) Applicant shall mark his presence before the concerned police station in first week of every alternate English calendar month.

(iv) Interim Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)