

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

**CRI-INTERIM APPLICATION NO. 3923 OF 2023
IN
CRIMINAL APPEAL NO. 875 OF 2022**

Yogesh Bhau Gurav

...Applicant

Versus

State Of Maharashtra

...Respondent

Adv. Nitin Gaware Patil a/w Adv. Anandmaya Dhorde i/b. Adv.
Pratik Rajopadhye for the Applicants
Mr. S. V. Gavand, APP for the Respondent-State.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ**

DATED : 31st OCTOBER, 2023

P.C.:

1. For the offence punishable u/s. 302, 143, 147, 148, 149 of IPC and u/s. 37(1) r/w. 135 of the Bombay Police Act and u/s. 3 & 4 r/w. 34 of the Arms Act, the Applicant came to be convicted by the Additional Sessions Judge, Pune.
2. The present Appeal against the conviction is admitted.
3. Mr. Patil, learned Counsel appearing for the Applicant would urge that the Applicant/Accused No. 4 can be said to be similarly placed to that of Accused - Hemant and Sharad. He invited our attention to the orders dated 12/07/2017 and 23/03/2019 passed in Bail Application No. 746 of 2017 and Criminal Application No.

1611 of 2017 in Appeal No. 414 of 2016 whereby bail was granted to the said accused persons.

4. He further urged that till this date the Applicant has already undergone more than 12 years of imprisonment and that being so in view of the judgment of the Apex Court in the matter of ***Sonadhar vs. The State of Chhattisgarh*** reported in **2022 LiveLaw (SC) 788**, the Applicant is liable to be released. It is brought to our notice that the Applicant has already paid the fine amount.

5. Mr. Gavand, learned APP would urge that there is a direct evidence against the Applicant as there is recovery of firearm, which was used in the commission of the offence.

6. We have appreciated the said submissions.

7. The fact that other co-accused - Hemant and Sharad, who were similarly placed are already released on bail, the Applicant has undergone the imprisonment of 12 years and 9 months sufficiently prompts this Court to consider the case of the Applicant for releasing him on bail.

8. In view of the above and having regard to the law laid down by the Apex Court in the matter of ***Sonadhar*** (supra), we deem it appropriate to allow the Interim Application thereby directing to

release the Applicant-Yogesh Bhau Gurav by furnishing P. R. bond of Rs.25,000/- with one or two sureties of like amount.

9. The Applicant-Yogesh Bhau Gurav shall mark his presence before the concerned police station in first week of every alternate English calendar month after his release.

10. The Interim Application stands disposed of.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)