

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

**CRI-INTERIM APPLICATION NO. 4148 OF 2023
In
CR. APPEAL 425 OF 2018**

Sanjay Lahu KarbhariApplicant
V/S
State Of MaharashtraRespondent

Mr. Kuldeep Patil i/by Vivek Vijay Salunke for the Applicant.
Mr. Parth Modak i/b. Ms. Preeti Walimbe for the Intervenor.
Smt. M. M. Deshmukh APP for the Respondent-State

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

DATED : 8th NOVEMBER, 2023

P.C.:

1. In Sessions Case No. 24 OF 2013, Applicant/Accused No. 7 came to be convicted vide judgment and order dated 07/03/2018 for the offence punishable u/s. 302 and other allied Sections and directed to undergo life imprisonment.
2. We are informed that the Applicant as against the offence dated 03/10/2012 was taken into custody on the very same day and till this date the Applicant had undergone more than 11 years' of imprisonment.
3. Apart from above, the contentions are similarly placed accused being A-4 is already ordered to be released by this Court

in Interim Application No. 3410 of 2023 decided on 01/11/2023.

4. Learned APP assisted by learned Counsel for the intervenor submits that the case of the Applicant cannot be treated at par as the role attributed to the Applicant is that of attack by kicks and fists blows.

5. We have considered the submissions.

6. Having regard to the law laid down by the Apex Court in the matter of ***Sonadhar vs. The State of Chhattisgarh*** reported in ***2022 LiveLaw (SC) 788*** the Applicant's prayer for release and suspension of sentence needs to be considered having already undergone more than 10 years of imprisonment. Even though the Appeal is pending since 2018, the same is not likely to be heard in the recent future.

7. Apart from above, the Court is sensitive to the role attributed to the Applicant viz. attack by fists blows and not by any weapon.

8. In view of above, the Application stands allowed.

9. The Applicant - Sanjay Lahu Karbhari be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

10. The Applicant - Sanjay Lahu Karbhari shall attend the concerned police station once in a month i.e. on first Saturday

between 11.00 a.m. to 2.00 p.m. till disposal of his Appeal.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)