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

**INTERIM APPLICATION NO. 4318 OF 2022
IN
CRIMINAL APPEAL NO. 1236 OF 2022**

Vilas Pandurang Gogavale ... Applicant
Versus
State of Maharashtra ... Respondent

Mr. Amit Mane for the Applicant.
Mr. V. B. Konde-Deshmukh, for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 12th JANUARY, 2023

P.C. :-

. The accused no.5 has invoked provisions of Section 389 of the Code of Criminal Procedure, for suspension of sentence and grant of bail after having suffered a conviction for an offence punishable under Section 302 of the Indian Penal Code.

2. The applicant was on bail during the trial, as could be inferred from the order dated 29th November, 2021 passed in Bail Application No. 2351 of 2021 by this Court.

3. Apart from the above, we have perused the evidence of PW1 and PW2 who are eye-witnesses. From the perusal of the said evidence, it can be seen that the applicant is not attributed any active role in

commission of offence.

4. As such, the sentence is suspended. The applicant is directed to be released on bail on executing a P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.

5. The applicant shall attend the Police Station in first week of every even month i.e. from February 2023, till the conclusion of appeal.

6. Application is allowed in aforesaid terms.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]