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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4361 OF 2023
IN
APPEAL NO. 425 OF 2018**

Madhukar R. Patil ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Vivek V. Salunke for the Applicant.
Mrs. M.M. Deshmukh, Addl.PP for the Respondent.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.
DATE : 1.12.2023.**

PC:-

1. This is an application for suspension of sentence and grant of bail during pendency of Criminal Appeal No. 425 of 2018.
2. The applicant (original accused No.14) was prosecuted vide Sessions Case No.24 of 2013 along with other accused. Vide judgment and order dated 7.3.2018 passed by the learned District Judge-2 & Additional Sessions Judge, Kalyan, the applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code (IPC) and sentenced to suffer life imprisonment.
3. The applicant had earlier moved an application for suspension of sentence and grant of bail before this Court which was rejected vide order dated 17.12.2018. However, thereafter other accused, who were convicted along with the

applicant, have been granted bail by the Apex Court as well as this Court.

4. The learned counsel for the applicant submits that the co-accused Baliram Patil (accused No.15) had preferred Special Leave Petition before the Apex Court which has been allowed vide order dated 1.2.2022. The other co-accused Pradeep B. Patil (accused No.2) had also approached the Apex Court by preferring Petition for Special Leave to Appeal (Cri.) No.3268 of 2022, which has been allowed vide order dated 18.8.2022. Thereafter, other co-accused Anil K. Patil (accused No.4) has been granted bail by suspending the sentence by this Court vide order dated 1.11.2023. Co-accused Sanjay Karbhari (accused No.7) had also preferred an application for bail before this Court which has been allowed vide order dated 8.11.2023. It is submitted that the role attributed to the present applicant is similar to that of the accused who have been granted bail by the Apex Court as well as this Court. The applicant is in custody for a period of about 10 years.

5. The prosecution could not dispute the fact that the *overt-act* attributed to the persons who have been granted bail by the Apex Court as well as this Court is similar to that of the applicant.

6. We have perused the orders passed by the Apex Court as well as this Court. One of the factor which was considered while suspending the sentence in the aforesaid orders is that the convicts were in custody for substantial period of time.

Considering these circumstances, the case for suspension of sentence and grant of bail is made out.

ORDER

- A. The Interim Application is allowed.
- B. The substantive sentence of imprisonment imposed against the present applicant in Sessions Case No. 24 of 2013 by the learned District Judge-2 & Additional Sessions Judge, Kalyan vide judgment and order dated 7.3.2018 is suspended.
- C. The applicant - Madhukar R. Patil 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.
- D. The applicant 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.)

(PRAKASH D. NAIK, J.)