

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

***INTERIM APPLICATION NO. 4205 OF 2023
(For Bail)***

***IN
CRIMINAL APPEAL NO. 354 OF 2016
WITH
CRIMINAL APPEAL NO. 354 OF 2016***

Bhagwan Dinkar Gunjawate ... Applicant /
Appellant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Vivek B. Rane for the Applicant/Appellant

Mr. K. V. Saste, Addl. P.P for the Respondent No.1-State

Mr. Sandeep R. Waghmare for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.
THURSDAY, 20th JUNE 2024***

P.C. :

1 This is the fourth interim application filed by the applicant seeking suspension of sentence and his enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.

2 The sole ground on which suspension of sentence and enlargement on bail is sought, is, on the ground of long incarceration of the applicant i.e. till date, 8 years and 2 months.

3 Perused the papers. The first bail application of the applicant i.e. Criminal Application No. 249/2017 was, after hearing the matter for some time, was allowed to be withdrawn by this Court (Coram: A.A. Sayed & Sarang V. Kotwal, JJ.) vide order dated 9th August 2017 passed in Criminal Application No. 249/2017. Applicant's second application for bail i.e. Criminal Application No. 1543/2018 was rejected by this Court (Coram : S.S. Shinde and Mrs. Mridula Bhatkar JJ.) vide order dated 19th September 2018. The said application was dismissed on merits by a detailed order. The third bail application preferred by the applicant i.e. Interim Application No. 3117/2021 filed in the aforesaid appeal was not pressed by the learned counsel for the applicant, since the appeal was being fixed for final hearing, at

the end of the admission board on 22nd June 2022. The said order passed by this Court (Coram : Revati Mohite Dere and V. G. Bisht, JJ.) is dated 9th June 2022.

4 Currently, we are seized of appeals of even years commencing from 2014, 2016, 2020, 2022 and 2024. Considering that the applicant's application was rejected earlier on merits, we told the learned counsel for the applicant that we will fix the matter for final hearing on 22nd July 2024 at the end of the admission board, since we are already taking old appeals of 2014 and 2016 at 2:30 p.m. Despite the same, learned counsel for the applicant insisted on bail.

5 We have perused the papers. As far as merits are concerned, we do not deem it appropriate to enlarge the applicant on bail. Even otherwise, we are fixing the aforesaid appeal, which deserves to be heard, since the appeal is of the year 2016, on 22nd July 2024.

6 Since this is not a fit case for enlarging the applicant on bail, the application is rejected.

7 At this stage, learned counsel for the applicant states that the applicant's wife is indisposed, pursuant to which, we asked the applicant to file a fresh interim application seeking temporary bail on the said ground, which will be considered on its own merits.

8 This application is accordingly rejected on the aforesaid terms.

9 List the appeal for final hearing at 2:30 pm on **22nd July 2024.**

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.