

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4226 OF 2023****IN****CRIMINAL APPEAL NO. 800 OF 2019**

Tanaji Laxman Pawar

.. Applicant

v/s.

The State of Maharashtra & Anr.

.. Respondents

Ms. Vrushali Maindad a/w. Shaheen Kapadia for the Applicant .

Mr. S.V.Gavand, APP for the Respondent No.1-State.

Ms. Divyashree Shanbagh i/b.Mr. Jaydeep Mane for the Respondent-2.

CORAM : A.S.GADKARI &**SHYAM C.CHANDAK, JJ.****DATED : 15th JANUARY, 2024.****P.C. :**

1) This is an application for suspension of sentence and releasing the Applicant on bail.

2) The Applicant is original Accused No.10 in Sessions Case No. 181/2014 decided by the learned Additional Sessions Judge, Barshi by its impugned Judgment and Order dated 2 April 2019, whereby the Applicant alongwith other co-accused have been convicted under Section 302 r/w. 149 and other allied Sections of the Indian Penal Code.

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3) Learned counsel for the Applicant submitted that, the co-accused Nitin Pawar (Accused No.9) alongwith other accused persons has been released on bail by this Court by its order dated 1st November 2023. He further submitted that, the role attributed to the said accused person/persons and the Applicant herein is same and/or similar and therefore the Applicant is entitled to claim parity with the said co-accused.

4) Perusal of record indicates that, the role attributed to the Applicant in the present crime is same and/or similar to that of the Accused No.9-Nitin Pawar and therefore, the principle of parity is squarely applicable to the Applicant herein. In view of the above, during pendency of the Appeal, we are inclined to suspend the substantive sentence imposed upon the Applicant and releasing him on bail.

Hence, the following order :

(i) Applicant be enlarged on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or two solvent local sureties to make up the amount.

(ii) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till his Appeal is finally disposed off.

(iii) Applicant shall keep the trial Court informed of his current

address and mobile number and/or change of residence or mobile details, if any, from time to time.

(iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

5) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)