

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 45 OF 2024
IN
CRIMINAL APPEAL NO. 309 OF 2021**

Ravindrakumar Sriramhatai Yadav .. Applicant

v/s.

State Of Maharashtra And Anr. .. Respondents

**WITH
INTERIM APPLICATION NO. 1755 OF 2021
IN
CRIMINAL APPEAL NO. 309 OF 2021**

Mr. Nitin Sejpal a/w. Ms. Akshata B. Desai A/W. Mr.Siddharth Gharat for the Applicant.

Mr. V.A. Kulkarni, APP for the Respondent-State.

Ms. Ilsa Shaikh for the Intervenor/Applicant in IA/1755/2021.

PS.I. Mr. S.C. Belose of Kashmiri Police Station present.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.**

DATE : 30th APRIL, 2024.

**JYOTI
RAJESH
MANE**

P.C. :

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by JYOTI
RAJESH MANE
Date: 2024.05.07
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1) This is a successive Application for suspension of sentence and enlarging the Applicant on bail, by the original Accused No.2, in Sessions Case No.743/2012.

1.1) The earlier Application preferred by the Applicant was disposed off as withdrawn with liberty to pursue the Appeal. However, by an Order dated 18th December 2023, the co-ordinate Bench has released co-accused viz. Kalpesh @ Chhotu R. Saroj on bail.

1.2) In this change of circumstance present Application is preferred by the Applicant.

2) Perusal of evidence on record indicates that, the role attributed to the Applicant (Accused No.2) is little lesser than, the one attributed to Kalpesh Saroj (Accused No.1) and therefore the Applicant is entitled to be released on bail on the ground of parity. Even otherwise, record further indicates that, Applicant is behind the bars since the date of his arrest i.e. 15th August 2012 and as of today has undergone more than 10 years in incarceration.

3) In view of the guidelines issued by the Hon'ble Supreme Court in the case of *Saudan Singh Vs. The State of Uttar Pradesh in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021]*, dated 25th February 2022 and the view expressed in cases of (i) *Suleman Vs. The State of Uttar Pradesh, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl.) No. 1451 of 2022)* dated 25th March 2022 and (ii) *Dinesh @ Paul Daniel Khajekar Vs. State of Maharashtra & Anr., Criminal Appeal No. 2987 of 2023 (Arising out of S.L.P. (Crl.) No. 10320 of 2023)* dated 25th September 2023, the Applicant is entitled to be released on bail during the pendency of Appeal.

4) Hence, the following Order.

- (i) Applicant shall be released on bail in Sessions Case No.743 of 2012 arising out of C.R. No. I-229 of 2012 registered with Kashimira Police Station, District Thane, on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
- (ii) After his release from Jail and during the pendency of

the present Appeal, the Applicant shall attend Kashimira Police Station, District Thane, on every first Monday of the month between 10.00 am and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Kashimira Police Station, District Thane, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Kashimira Police Station, District Thane, four times in a year during the pendency of the present Appeal.

- (iii) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an Application for cancellation of bail.
 - (iv) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court any change in his residential address and his mobile number, on which he can be contacted.
 - (v) Applicant shall make himself available at the time of final hearing of the Appeal.
- 5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)