

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

**INTERIM APPLICATION NO. 149 OF 2024
IN
CRIMINAL APPEAL NO.76 OF 2024**

Prakash @ Paru Sukharam
Prajapati And Anr.

.. Applicants

v/s.

Union Territory Of Dadra And
Nagar Haveli

.. Respondents

Mr. Balkrishna Joshi for the Applicants.

Mr. Hiten Venegaonkar a/w. Mr. Vishal Rathod for Respondent (U.T.)
Alongwith Mr. S.V. Gavand, APP for the Respondent-State.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 30th APRIL, 2024.**

**JYOTI
RAJESH
MANE**

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P.C. :

- 1) This is an Application for suspension of sentence and enlarging the Applicants on bail, by original Accused Nos.6 and 7 respectively.
- 2) Applicants are convicted under Sections 394, 364-A, 342, 506, read with Section 34 of Indian Penal Code and are sentenced to undergo imprisonment for life with fine, by the learned Sessions Judge, Dadra & Nagar Haveli, Silvassa in Sessions Case No.8 of 2017.
- 3) Perusal of evidence of PW No.1 prima facie indicates that, there are material omissions amounting to improvements, qua the Applicants. It is the case of prosecution that, at the time of abduction of PW-1, Bharat, the

Applicant No.2 (accused No.7) came on black colour Pulsar Motorcycle and waylaid vehicle of the informant. Thereafter Accused Nos. 3, 5 and 6 came at the scene of offence. In the cross-examination of the PW No.1, material omissions amounting to improvements and deviation from his statement recorded under Section 154 of the Cr.P.C. are brought on record. The Applicants are behind the bars since 29th January 2017 and as of today have undergone more than 7 years and 3 months in incarceration.

4) In view of the above during the pendency of present Appeal we are inclined to suspended the sentence and enlarge Applicants on bail.

Hence following order:

- (i) Applicant Nos. 1 and 2 shall be released on bail in Sessions Case No. 8 of 2017, arising out of C.R. No.11 of 2017 registered with Silvassa Police Station, Dadra and Nagar Haveli, Silvassa, on their furnishing P.R. bond of Rs.25,000/- each with one or two local sureties in the like amount.
- (ii) After their release from Jail and during the pendency of the present Appeal, the Applicants shall attend Silvassa police Station, Dadra and Nagar Haveli, Silvassa, on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicant Nos.1 and 2 shall

attend Silvassa Police Station, Dadra and Nagar Haveli Silvassa, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant Nos. 1 and 2 thus shall attend Silvassa Police Station, Dadra and Nagar Haveli, Silvassa, 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 Nos.1 and 2 shall inform their prospective residential address to the trial Court. Applicants shall keep informed the trial Court any change in their residential address and their mobile number, on which they can be contacted.
- (v) Applicant Nos.1 and 2 shall make themselves 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.)