

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

***INTERIM APPLICATION NO.428 OF 2024
IN
CRIMINAL APPEAL NO.425 OF 2018***

Bhagwat Yashwant Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Kuldeep Patil i/b Mr. Vivek V. Salunke, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 7th FEBRUARY 2024

P.C. :

1. Heard learned counsel for the parties.
2. By this interim application, the applicant (original accused No.6) seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused i.e. Sharad Patil, Bharat Patil and others, sentences have been suspended and they have been enlarged on bail by this Court. Learned counsel for the applicant also submits that some other accused have also been released by the Apex Court. It is submitted that no specific overt act has been attributed to the applicant and that the allegation as against the applicant is that he alongwith others, assaulted the deceased with fists and kick blows. It is submitted that the applicant is in custody for about 11 years.

4. Learned APP does not dispute the fact, that the applicant is in custody for about 11 years. She also does not dispute the fact that the role of the applicant is similar to that of Sharad Patil and Bharat Patil and some other co-accused, whose sentences were suspended and who were enlarged on bail by this Court.

5. Perused the papers as well as the orders by which the sentences of co-accused came to be suspended and the said accused were enlarged on bail.

6. The applicant (original accused No.6) alongwith other co-accused vide judgment and order dated 7th March 2018, passed by learned District Judge – 2 and Additional Sessions Judge, Kalyan, in Sessions Case No.24 of 2013, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and other offences. The Apex Court as well as this Court have suspended the sentences of some of the co-accused and have enlarged the said co-accused on bail, pending the hearing and final disposal of their appeal, having regard to their long incarceration.

7. As far as the applicant is concerned, the accusation as against him, is general in nature and no specific overt act has been attributed to him. The role of the applicant is similar to that of co-accused – Sharad Patil and Bharat Patil, whose sentences have been

suspended and who are enlarged on bail.

8. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- ii) The Applicant shall report to the trial Court, once in four months on the first Saturday between 11:00 a.m. and 2:00 p.m., till his Appeal is finally disposed of;
- iii) The Applicant shall keep the trial Court informed of his current address and mobile contact 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.

9. Interim Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.