

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 501 OF 2024****IN****CRIMINAL APPEAL NO. 1204 OF 2023**

Swapnil Vijay Bhilare

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. Shekhar Jagtap i/b. Mr. Akash Pandey for Applicant/Appellant.

Mr. Vinod Chate, A.P.P. for Respondent-State.

A.P.I. Mr. Sandeep Chavan, Paud Police Station is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 23rd February 2024.****P.C. :**

1) This is an Application by original accused No.1 for suspension of sentence and releasing the Applicant on bail.

2) Applicant is convicted under Section 302 read with 34 of the Indian Penal Code along with 8 other accused persons and is sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Pune in Sessions Case No. 460 of 2015.

3) Record indicates that, the co-accused namely Vaibhav Shelar (Accused No.9) and Swapnil Khatpe (Accused No.4), who had been attributed with same and/or similar role as that of Applicant have been directed to be released on bail by this Court by its Orders dated 11th October 2023 and 15th January 2024 respectively. As per the contention of the learned A.P.P., the

difference between the roles attributed to Vaibhav Shelar (Accused No.9) and Swapnil Khatpe (Accused No.4) on one hand and the Applicant herein on other hand is that, the motive behind commission of the present crime i.e. murder of Eknath Kudale revolves around the Applicant.

4) Undoubtedly the Applicant has been convicted under Section 302 read with 34 of I.P.C. for committing the said offence. Perusal of record indicates that, the Applicant is entitled to be released on bail on the ground of parity with Vaibhav Shelar (Accused No.9) and Swapnil Khatpe (Accused No.4).

4.1) Hence, the following Order.

- (i) Applicant be enlarged on bail on his furnishing P.R. bond in the sum of Rs. 50,000/- 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) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)