

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.883 OF 2024****IN****CRIMINAL APPEAL NO.727 OF 2019**

Sunil Ashok Pawar

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Priyal G. Sarda a/w Ms. Seema S. Dighe for Applicant.

Ms. A.A. Takalkar, APP for Respondent No.1-State.

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

DATE : 11th MARCH 2024

P.C. :

1) This is an application for suspension of sentence and releasing on bail by the Applicant-original Accused No.3.

2) Mr. Sarda, learned counsel appearing for Applicant submitted that, Accused No.1, namely, Shivaji @ Anna Chandrakant Pawar, who has been attributed with same and/or similar role, has been directed to be released on bail by this Court vide Order dated 12th February 2024 passed in Interim Application No.4645 of 2023. He fairly pointed out that, the only distinction between the role assigned to Accused No.1 and present Applicant is that, 3 wooden logs at the instance of the Applicant has been recovered during the course of investigation.

3) Perusal of record and Order dated 12th February 2024, indicates that, the accused persons had assaulted Vithal Pawar with blunt and hard substances and they had no intention to commit murder of deceased while assaulting him.

3.1) Applicant is behind bars since 29th April 2014 and as of today, has undergone more than 9 years and 6 months in incarceration.

4) 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.

5) Hence, the following Order.

- (i) Applicant-original Accused No.3 shall be released on bail in Sessions Case No. 181/2014, arising out of CR No. 68 of 2014 registered with Vairag Police Station, District Solapur, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- (ii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Vairag Police Station, District Solapur, 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 Vairag Police Station, District Solapur, on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Vairag Police Station, District Solapur, four times in a year during the pendency of the present Appeal.

- (iii) In case of two consecutive defaults in complying with the aforesaid 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.

6) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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