

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.1234 OF 2024****IN****CRIMINAL APPEAL NO. 175 OF 2021**

Satish @ Baba Sanjay More

... Applicant/Accused

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Aniket Vagal a/w Kunal N. Pednekar, Mr. Divesh Mehani and Savvy Kolhekar for Applicant.

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

H.C. Mr. Avinash G. Patil, attached to Roha Police Station, Dist. Raigad.

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

DATE : 15th APRIL 2024

P.C. :

(1) This is a successive Application for suspension of sentence and releasing the Applicant on bail.

(1.1) The earlier application, i.e. Interim Application No.700 of 2021 preferred by the Applicant was dismissed as withdrawn by granting him liberty to file a fresh application for bail, if the substantive Appeal against conviction is not taken up for hearing within a period of one year from the date of the said Order, i.e. 14th February, 2023.

(2) Learned counsel appearing for Applicant submitted that, in the interregnum, the co-accused-Sunil Ankush Kamble (original Accused No.2),

has been released on bail by the co-ordinate Bench by its Order dated 11th September, 2023. He submitted that, the role attributed to the Applicant in commission of the present crime is same and / or similar or rather little lesser than that attributed to the co-accused Sunil Kamble and therefore Applicant may be granted bail on the ground of parity.

(3) Learned A.P.P. after perusing the record, fairly conceded to the said fact. She submitted that, except the difference in the recovery at the instance of Applicant, the role attributed to the Applicant by the prosecution in commission of murder of Jagrut More, is same and / or similar to that of co-accused.

(4) Perusal of record indicates that, there is substance in the contention of the learned counsel for Applicant and therefore he deserves to be released on bail on the ground of parity with co-accused Sunil Kamble.

(5) In view of the above, during the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended and he is enlarged on bail.

Hence the following Order :-

: ORDER :

- (i) 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) Applicant shall report to the trial Court, once in four

months on the day/date specified by the trial Court, till the Appeal is finally disposed off.

(iii) 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.

(6) Application is allowed in the aforesaid terms and is accordingly disposed off.

(7) All concerned to act on the authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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RAJESH VASANT
CHITTEWAN
Date: 2024.05.06
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