

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4096 OF 2023****IN****CRIMINAL APPEAL NO. 1433 OF 2023**

Rohit @ Akash Vimal Dubey

.....Applicant

Vs.

Union Territory Of

Dadra And Nagar Haveli

.....Respondent

Mr. Balkrishna Joshi a/w Ms. Gauri Jadhav and Adv. Virendra Pethe
for the Applicant.

Mr. Hiten Venegavkar a/w Mr. Vishal Rathod for the Respondent.

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

DATE : 13th MARCH, 2024.

P.C.:-

1) Applicant is convicted under Sections 394, 364A, 342 and 506 read with Section 34 of the Indian Penal Code and is sentenced to undergo imprisonment for life with fine, by the learned Sessions Judge, Dadra & Nagar Haveli, Silvassa in Sessions Case No.8 of 2017.

2) Perusal of impugned Judgment and in particular para No.72 thereof indicates that, the trial Court has held that, the Applicant herein has not been attributed any specific role in the said incident, however he was accompanying accused No.1 since beginning till the victim (PW-1) was

rescued by the Police. Applicant is in incarceration since 23rd January, 2017.

3) Mr. Venegavkar, learned counsel for the Respondent submitted that, apart from the said fact, an additional role is attributed to the Applicant, of keeping the watch of the place where the victim was kept as captive.

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

Hence, the following order:-

ORDER

- (i) Applicant 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 his furnishing PR. bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from Jail and during the pendency of the present Appeal, the Applicant 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 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 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 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.
- 5) Interim Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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