

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION No. 4234 OF 2022

IN

CRIMINAL APPEAL No.377 OF 2017

Mangesh Datta Gade

.. Applicant

vs.

State of Maharashtra

.. Respondent

Mr. Satyavrat P. Joshi for Applicant

Mrs. A.A. Takalkar, APP for the State.

Ms. Rajashri Patil, Police Sub Inspector, Chaturshrungi Police Station, Pune.

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

DATE : 5th JANUARY, 2024

P. C.:-

1) This is a successive Application for suspension of sentence and releasing the Applicant on bail. Record indicates that, the earlier application bearing Criminal Application No. 704 of 2017 was rejected on merits by an Order dated 16th June, 2017. The Applicant challenged the said Order before the Hon'ble Supreme Court by way of Special Leave to Appeal (Cri.) No.(s) 7146 of 2018. The Hon'ble Supreme Court by its Order dated 6th September, 2018 was pleased to dismiss the said Special Leave Petition.

2) It appears to us that, the Hon'ble Supreme Court has not granted liberty to the Applicant to renew his request thereafter. As of today, except passage of time, there is no change in circumstance, least to say, any

substantive change in the circumstance than was prevailing on 16th June, 2017 or 6th September, 2018.

3) Learned APP on instructions submitted that, when the Applicant was on bail, committed an offence bearing C.R. No. 30/2016 registered with Chaturshrungi Police Station, Pune under Sections 324, 504 r/w. 34 of the Indian Penal Code. That, the Applicant was released on parole leave in the year 2023 and at that time also, he committed an offence along with a co-accused and Omkar Bhosale bearing C.R. No.142 of 2003 registered with Chaturshrungi Police Station, Pune under Sections 326, 323, 504, 506 r/w. 34 of the Indian Penal Code.

4) It appears that, the Applicant is having strong inclination towards criminality and there is every possibility that, if the Applicant is released on bail, he will indulge into commission of fresh offence. This is an additional ground for not granting relief of bail during the pendency of the Appeal to the Applicant.

5) In view of the above, we find no merits in the Application. Interim Application is accordingly rejected.

6) As the Appeal is of the year 2017, place the Appeal on final hearing board as per its own turn.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)