

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.4631 OF 2023****IN****CRIMINAL APPEAL NO. 866 OF 2017**

Yogesh Dada Gangurde

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Chetan Damre for the Applicant.

Mr. S.V. Gavand, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 16th January 2024.****P.C. :**

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

2) Learned Advocate Mr. Damre, appearing for Applicant submitted that, co-accused, namely, Pritam Appasaheb Changale (A-2) and Sagar Ishwar Khairnar (A-3), who have been attributed with same and similar role have been released on bail by this Court by Orders dated 7th November 2023 and 7th October, 2023, respectively and therefore, Applicant is entitled to be released on bail on the ground of parity.

3) Learned APP after perusing the entire record, fairly conceded to the fact that, the Applicant is entitled to be released on bail on the ground of

parity.

4) Perusal of record indicates that, the role attributed to the Applicant and material available against him, is same and similar, as that put forth against Accused No.2 and Accused No.3 and therefore Applicant is entitled to claim parity with the said two co-accused.

5) Record further indicate that, Applicant has already undergone more than 10 years in incarceration as of today and therefore also after applying the view expressed by the Hon'ble Supreme Court in the cases of *Dinesh @ Paul Daniel Khajekar Vs. The State of Maharashtra in Criminal Appeal No.2987 of 2023, dated 25th September, 2023* and *Suleman Vs. The State of Uttar Pradesh in Criminal Appeal No.491 of 2022, dated 25th March, 2022*, Applicant is entitled to be released on bail.

Hence, the following Order.

ORDER

- i) Applicant be enlarged on bail in Sessions Case No.117/2014 on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) Applicant shall report to the trial Court, once in three months on the day/date specified by the trial Court, till the appeal is finally disposed of;
- 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 request 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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