

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO.4747 OF 2023
IN
CRIMINAL APPEAL NO.425 OF 2018***

Sharad Baliram Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b Mr. Vivek V. Salunke, for the Applicant.

Mr. V. B. Konde-Deshmukh, Addl.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 8th JANUARY 2024

P.C. :

1. Heard learned counsel for the parties.
2. By this interim application, the applicant (original accused No.13) seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the aforesaid appeal.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused have either

been released by the Apex Court or by this Court, having regard to the long period of their incarceration ranging between 8 to 10 years. The said orders have been annexed to this application and one of the last order is tendered across the bar i.e. the order dated 20th December 2023 passed by this Court (Coram: Prakash D. Naik & N. R. Borkar, JJ.) in an application filed by co-accused – Ranbul @Ranshya Chandrakant Patil.

4. Learned APP does not dispute the fact that the applicant is in custody for about 10 years from 2012, except the period when the applicant was out on Covid bail i.e. for a period of 1 1/2 year.

5. Perused the papers as well as the orders passed by the Apex Court and this Court.

6. The applicant (original accused No.13) alongwith other co-accused vide judgment and order dated 7th March 2018, passed by learned District Judge – 2 and Additional Sessions Judge, Kalyan, in

Sessions Case No.24 of 2013, has been convicted for the offence punishable under Section 302 of the Indian Penal Code and other offences. The Apex Court as well as this Court have granted bail to the co-accused in the said case, only having regard to their long incarceration and the likelihood of their appeal not reaching in the immediate near future.

7. As far as the applicant is concerned, the accusation is general in nature and no specific overt act is attributed to him. The role of the applicant is similar to that of other co-accused, whose sentences have been suspended and who are enlarged on bail.

8. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Appeal, on the following terms and conditions :-

ORDER

- i) The 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) The Applicant shall report to the trial Court, once in three months on the first Saturday between 11:00 a.m. and 2:00 p.m., till his Appeal is finally disposed of;
- iii) The 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.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.