

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

**INTERIM APPLICATION NO.2172 OF 2024
IN
CRIMINAL APPEAL (ST) NO.11345 OF 2024**

Altaf S/o Chagan Bhosale	 Applicant
versus	
The State of Maharashtra	 Respondent
.....	

- Mr. Abhishek D. Nagode i/b. Santosh R. Gangawane, Advocate for Applicant.
- Ms. Ranjana D. Humane, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th JUNE, 2024**

P.C. :

1. This is an application for bail pending Appeal. The Applicant has preferred bail against the Judgment and Order dated 20/02/2024 passed by the Additional Sessions Judge, Malegaon in Sessions Case No.48 of 2018. The Applicant was the original accused No.2. He along with accused No.1 was convicted u/s 392 of the IPC. The major punishment was rigorous imprisonment for 10 years.

2. The incident was dated 24/06/2017. According to the prosecution case, the accused and two others entered P.W.1 Balasaheb Sonaj's house. At the knife point, the ornaments were

taken forcibly. The accused also entered another shop and committed robbery of Rs.5,000/-. The evidence against the accused was the test identification parade wherein P.W.1 and P.W.2 had identified both the accused.

3. Learned counsel for the Applicant submitted that he was arrested on 27/07/2017 and thus he has completed almost 7 years from his arrest out of the sentence of 10 years. He relied on the order passed by the coordinate bench of this Court (Coram : Kishore C. Sant, J.) in Interim Application No.1405 of 2024 in Criminal Appeal No.335 of 2024 passed on 25/04/2024, whereby the accused No.1, who is the co-accused and who was similarly placed, was granted bail pending his Appeal. He therefore claimed parity and submitted that the balance sentence is less than three years, during which period, the Appeal is not likely to be heard.
4. Learned APP opposed these submissions. She further submitted that there is important material against the Applicant.
5. I have considered these submissions. The Applicant is in custody for almost 7 years out of the sentence of 10 years.

The Appeal is not likely to be decided during the balance period of his sentence. Apart from that, the co-accused, who is similarly placed, is granted bail pending his Appeal. Therefore, on the ground of parity also, the Applicant deserves to be released on bail. However, considering the nature of allegations, some conditions will have to be imposed on the Applicant.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal (ST) No.11345 of 2024, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only), with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station once every month for a period of one year from today.
- (iii) The application is disposed of.

(SARANG V. KOTWAL, J.)