

Kalyan, in Sessions Case No. 111 of 2012, has been convicted alongwith others, for the offences punishable under Sections 302 r/w 149, 143, 147, 323 r/w Sec.149 of the Indian Penal Code. For the offence punishable under Section 302 of the Indian Penal Code, the applicant has been sentenced to suffer imprisonment for life and to pay fine of Rs.1,000/-, in default of payment of fine, to suffer rigorous imprisonment for one year. Separate substantive sentences have been awarded for each of the offences. All the sentences were directed to run concurrently.

4. Perused the application. Admittedly, the applicant's application for bail has not been rejected earlier on merits. The present application is filed on the ground of parity i.e. release of co-accused – Janardhan Baban Bhopi, on bail. He submits that even the applicant has undergone 10 years and as such, is entitled to be released on bail.

5. Perused the order dated 15th March, 2024 passed by this Court (Coram : A.S.Gadkari & Shyam C. Chandak, JJ) in the

application preferred by the co-accused – Janardhan Bhopi. This Court has granted bail to co-accused - Janardhan Bhopi solely on the ground of incarceration of 10 years, keeping in mind the Judgment of the Apex Court in *Saudan Singh V/s The State of Uttar Pradesh*¹ and *Suleman V/s The State of Uttar Pradesh*². It is not in dispute that the applicant herein has also undergone 10 years incarceration. Thus, there is parity with co-accused Janardhan Bhopi.

6. 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 four months on the day/date specified by the trial

¹ Cri.Appeal No. 308-2022 (@ SLP (Cri) No. 4633 of 2021)

² Cri.Appeal No. 491 of 2022 (arising out of SLP Cri.NO. 1451/2022)

Court, 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.

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

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

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.