

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

**INTERIM APPLICATION NO.3096 OF 2024
IN
CRIMINAL APPEAL (ST) NO.15618 OF 2024**

Sapana Abhijeet Sen & Anr. Applicants
versus
U. T. of Dadra & Nagar Haveli & Anr. Respondents
.....

- Mr. Vinay J. Bhanushali, Advocate for Applicants.
- Ms. Amisha Salvi i/b. H. S. Venegaonkar, Advocate for Respondent No.1.
- Mr. Prashant P. Jadhav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 13th AUGUST, 2024**

P.C. :

1. This is an application for bail pending Appeal.
2. The Applicants were the original accused Nos.2 and 3 in Sessions Case No.16/2018 before the Sessions Judge, Dadra & Nagar Haveli at Silvassa. At the conclusion of the trial, the Applicants along with the other co-accused were convicted for commission of offence punishable u/s 395 r/w 324 of the Indian Penal Code. The major sentence imposed on them was rigorous imprisonment for 5 years besides imposition of fine.

3. Heard Mr. Vinay J. Bhanushali, learned counsel for the Applicants, Ms. Amisha Salvi, learned counsel for the Respondent No.1 and Mr. Prashant P. Jadhav, learned APP for the State.
4. The prosecution case is that the incident took place at midnight on 29/09/2017. The informant Vikrantkumar Singh was proceeding towards Vapi from Silvassa in an auto-rickshaw. Suddenly auto-rickshaw took a right turn instead of proceeding to Vapi. It stopped at one dark place. Two boys sat in the front and snatched the informant's laptop bag, two mobile phones and other luggage. The informant was pushed outside the auto-rickshaw. He got up and again tried to sit in the auto-rickshaw. The present Applicants who had already sat in the auto-rickshaw pushed him back. Thereafter, all the accused went away in that auto-rickshaw. On these allegations, the FIR was lodged and the investigation was carried out. The prosecution case is that both the Applicants in the auto-rickshaw were ladies, who had pushed the informant.

5. Learned counsel for the Applicants submitted that the other three co-accused who were convicted by the same Judgment and Order had preferred their separate Appeals vide Appeal No.448 of 2024, 442 of 2024 and 444 of 2024. All of them were granted bail by a common order dated 02/05/2024 in their respective bail applications, by a co-ordinate bench of this Court (Coram : Kishore C. Sant, J.). Learned counsel submitted that on the ground of parity, the Applicants also deserve to be released on bail. He submitted that the nature of evidence and the allegations against them are almost similar. The other three accused who were granted bail were identified in the Court.
6. Learned counsel for the Respondent No.1 opposed these submissions.
7. Considering these submissions, the principle of parity apply in the present case. In any case, the maximum sentence is of 5 years. The Appeal is not likely to be decided during that time. Therefore, the Applicants deserve to be released on bail pending their Appeal.

8. Hence, the following order :

ORDER

- (i) During the pendency and final disposal of the Criminal Appeal (ST) No.15618 of 2024, the Applicants are directed to be released on bail on their furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each, with one or two sureties each, in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)