

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

***INTERIM APPLICATION NO. 3241 OF 2024
IN
CRIMINAL APPEAL NO. 544 OF 2021***

Ajay Ramniklal Shah ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Rahul Arote a/w Mr. Jay Suryawanshi and Ms. Megha
Shelke for the Applicant

Mrs. P. P. Shinde, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
TUESDAY, 17th DECEMBER 2024**

P.C :

1 Heard learned counsel for the parties.

2 By this interim application, the applicant seeks
suspension of his sentence and enlargement on bail, pending the
hearing and final disposal of his aforesaid appeal.

3 The applicant along with other co-accused has been convicted for the offence punishable under Section 302 of the Indian Penal Code (`IPC'), vide judgment and order dated 5th December 2019 passed by the learned Additional Sessions Judge, Greater Bombay in Sessions Case No. 777/2013. For the said offence, the applicant has been sentenced to suffer imprisonment for life and to pay a fine of Rs. 10,000/- each, in default, to suffer further rigorous imprisonment for three months.

4 Learned counsel for the applicant seeks bail on the ground of parity. He submits that the similarly placed co-accused i.e. Vinod Ramniklal Shah's sentence has been suspended and he has been enlarged on bail by this Court (Coram : Prakash D. Naik and R. N. Laddha, JJ.) vide order dated 22nd February 2024. The said order is at Exhibit `C' at page 161 of the application.

5 Learned A.P.P does not dispute that the role of the applicant is similar to that of co-accused-Vinod Shah.

6 Perused the papers. The incident of assault on the deceased took place on 21st May 2013. According to the prosecution, Vinod Shah assaulted the deceased with a knife. As far as the applicant is concerned, he is alleged to have held the deceased when Vinod Shah assaulted the deceased. The role of the applicant is lesser as compared to Vinod Shah, whose sentence has been suspended and who is enlarged on bail. It is not in dispute that the applicant is in custody for about 11 years.

7 Considering the aforesaid, on the ground of parity and long incarceration, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail on the following conditions:

ORDER

- i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- 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 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.

8 The application is accordingly disposed of.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.