

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3902 OF 2024
IN
CRIMINAL APPEAL NO.217 OF 2017

Kaluram @ Kalya Atmaram Pawar .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Anosh Shetty i/b Dr Yug Mohit Chaudhry for the Applicant.
Ms.M.M. Deshmukh, APP for the State.
Mr.D.K. Tajne, P.S.I., Shil-Dayghar Police Station.

CORAM: NITIN W. SAMBRE, &
MANJUSHA DESHPANDE, JJ.
DATED : 7th OCTOBER, 2024

P.C:-

1 We have perused the order dated 13/07/2017, whereby the prayer of the appellant/accused no.3 for suspension of sentence and grant of bail was rejected vide order dated 13/07/2017, in Criminal Application No.295 of 2017.

2 Subsequent thereto, the accused nos.1 and 2, were directed to be released by this Court, pending hearing of the Appeal, vide order dated 9/01/2024, in case of *Dinesh Balaram Pawar Vs. The State of Maharashtra* i.e. for accused no.2, and order dated 1/04/2024, in case of *Pratik @ Barkya Dashrath Patil Vs. The State of Maharashtra*, i.e. accused no.1.

3 The learned counsel for the applicant/accused submits that the applicant has already undergone 10 years and his case on merit is better situated as compared to that of the case of accused nos.1 and 2.

4 We have appreciated the said submissions in the light of resistance shown by the learned APP Ms. Deshmukh, as according to her the blood stained clothes were recovered from the custody of the applicant/accused no.3.

5 Rightly so claimed by learned APP, the blood stained clothes were recovered from the applicant/accused, as could be said to be substantiated from the record.

6 However, similar role is attributed to the accused nos.1 and 2, who were directed to be released by this Court, vide aforesaid orders.

7 In this background, we deem it appropriate to record that the case of the applicant can be treated at par with that of case of accused nos.1 and 2 and that being so, we allow the application by admitting the applicant to bail on following conditions:-

: ORDER :

(i) Applicant Kaluram @ Kalya Atmaram Pawar, shall be released on bail in Sessions case No.565 of 2013 arising out of C.R.No.I-167 of 2013 registered with Shil-Dayghar Police Station, District Thane, on his furnishing P.R. bond of Rs.50,000/- with one or more solvent local sureties to make up the amount.

(ii) The procedure of furnishing bail bond and sureties be

completed before the trial Court.

(iii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend Shil-Dayghar Police Station, District Thane, on every first Monday of the month between 10.00 a.m. and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Shil-Dayghar Police Station, District Thane, on every first Monday of the every 3rd Month between 10.00 am and 12.00 noon. The Applicant thus shall attend Shil-Dayghar Police Station, District Thane, four times in a year during the pendency of the present Appeal.

(iv) Applicant shall make himself available at the time of final hearing of the Appeal.

8 The application stands allowed in above terms.

(MANJUSHA DESHPANDE,J)

(NITIN W. SAMBRE,J)