

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

***INTERIM APPLICATION NO.721 OF 2024
IN
CRIMINAL APPEAL NO.213 OF 2015***

Vijay Maruti Dhamdhere ...Applicant
Versus
The State of Maharashtra ...Respondents

Mr. Daulat Khamkar for the Applicant.

Ms. P. P. Shinde, Addl.PP for the Respondent -State.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 3rd OCTOBER 2025

P.C. :

1. This is the third application preferred by the applicant seeking suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

2. The first bail application of the applicant was rejected on merits by this Court (Coram : P. V. Hardas & Dr. Shalini Phansalkar-Joshi, JJ.) vide order dated 30th March 2015, passed in Criminal Application No.50 of 2015. Thereafter, the applicant preferred a

second application, being Criminal Application No.736 of 2017. This Court (Coram: Ranjit More & M. S. Karnik, JJ.) vide order dated 25th November 2019 rejected the said application after observing that there was no change in the circumstances. However, whilst rejecting the said application it was observed that the applicant is in custody for more than 6 years and as such, the hearing of the applicant's appeal was expedited. Since Hon'ble Shri Justice P. V. Hardas, Hon'ble Smt. Justice Dr. Shalini Phansalkar-Joshi, and Hon'ble Shri Justice Ranjit More, have retired since then and Hon'ble Shri Justice M. S. Karnik is presently sitting at the Kolhapur Bench, the aforesaid application is taken up by us.

3. Heard learned counsel for the parties.

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

5. The applicant alongwith other co-accused, vide Judgment and Order dated 1st June 2012, passed by the learned Additional Session Judge, Pune, in Sessions Case No. 565 of 2010, has been convicted and sentenced for the offence punishable under Section 302 r/w Section 149 of the Indian Penal Code and other offences. As far as the offence punishable under Section 302 r/w Section 149 of the Indian Penal Code is concerned, the applicant has been sentenced to suffer imprisonment for life and to pay a fine of Rs.20,000/ each, in default, to suffer rigorous imprisonment for six months.

6. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused i.e. Mayur Dagaji Bacchav (Original Accused No.4), his sentence has been suspended and he has been enlarged on bail by this Court (Coram : A. S. Gadkari & Dr. Neela Gokhale, JJ.) vide order dated 5th July 2024 passed in Interim Application No.1608 of 2024, since the applicant therein had undergone approximately 11 years and 6 months of actual incarceration.

7. Learned Addl.PP does not dispute that the role of the applicant is similar to that of the co-accused - Mayur, whose sentence has been suspended and who has been enlarged on bail by this Court vide order dated 5th July 2024.

8. Perused the papers. It appears from the prosecution case and the evidence on record, that both i.e. the applicant and co-accused – Mayur had assaulted the deceased with a stump on his head. The cause of death is stated to be *‘Traumatic & Haemorrhagic shock due to stab injury to left lung’*.

9. Considering that the role of the applicant is similar to that of the co-accused - Mayur, and considering the fact that the applicant has undergone total imprisonment of 10 years and above and total imprisonment with remission of more than 12 years, the application is allowed and the applicant’s sentence is suspended and the applicant is enlarged on bail, pending the hearing and final disposal of the aforesaid Appeal, on the following terms and

conditions:-

ORDER

(i) Applicant shall be released on bail in C.R.No.172 of 2010 dated 27th April 2010 registered with the Bhosari Police Station, Pune (Sessions Case No.565 of 2010, which was pending before the learned Additional Session Judge, Pune) on his furnishing P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount;

(ii) After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Bhosari Police Station, Pune on every first Monday of the month between 10:00 am and 12:00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Bhosari Police Station, Pune on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicant thus shall attend Bhosari Police Station, Pune, four times in a year during the pendency of the present Appeal;

(iii) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an application for cancellation of bail.

10. Interim Application is allowed in the aforesaid terms and is accordingly disposed of.

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

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.