

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1967 OF 2025
IN
CRIMINAL APPEAL NO.560 OF 2025

Yogesh Mukesh Bagade

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH
INTERIM APPLICATION NO.1966 OF 2025
IN
CRIMINAL APPEAL NO.560 OF 2025

Yogesh Mukesh Bagade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tariq Khan, for the Applicant in both IAs.

Ms. Sangita Shinde, APP, for the Respondent-State.

P.S.I. M. B. Mane, Vinoba Bhave Nagar Police Station, Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 12th JUNE 2025

P.C.:

1. Heard Mr. Khan, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP, for the Respondent-State.

2. By a separate Order dated 12th June 2025, the Criminal Appeal No.560 of 2025 filed by the present Applicant challenging the legality and validity of the Judgment and Order dated 16th May 2025 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay in Sessions Case No.570 of 2015 along with Sessions Case No.94 of 2016 along with Sessions Case No.71 of 2017 has been

admitted.

3. The relief sought in the Interim Application No.1966 of 2025 is to grant bail to the Applicant during the pendency of the Criminal Appeal. The relief sought in the Interim Application No.1967 of 2025 is to suspend the sentence awarded by the learned Sessions Court, Greater Bombay by said Judgment and Order dated 16th May 2025 passed in Sessions Case No.570 of 2015.

4. As per the prosecution case, the incident took place on 18th January 2015. On that day, the informant went for shaving and the barber was already engaged and thus he was waiting outside Patra Chawl for tea. At that time, he was taking tea with about four persons. Suddenly, Accused No.2 - Sudhir Salunkhe caught hold of the informant and people sitting nearby tried to intervene. At that time, Accused No.3 - Mukesh Salunkhe assaulted the informant on his neck with a *Vastara*. Accused No.6 - Montu assaulted the informant with a chopper. As far as the present Applicant is concerned, he assaulted the injured with paver block.

5. Perusal of the record shows that the incident in question took place on 18th January 2015, the present Applicant was arrested on 30th March 2015 and he was released on bail on 18th April 2015. After passing of the impugned Judgment and Order he has been taken in custody on 16th May 2025. The Applicant has been convicted under

Section 307 read with Sections 143, 144, 148 and 149 of the *Indian Penal Code, 1860*. The maximum sentence imposed on the Applicant is 5 years. There is nothing on record to show that the Applicant has misused his liberty granted by Order dated 18th April 2015.

6. As the statutory Appeal of the Applicant is admitted, in the facts and circumstances, it is necessary to release the Applicant on bail.

7. Accordingly, the case is made out for suspension of sentence during the pendency of the Criminal Appeal.

8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment vide Judgment and Order dated 16th May 2025 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay in Sessions Case No.570 of 2015 along with Sessions Case No.94 of 2016 along with Sessions Case No.71 of 2017 is suspended as far as the Applicant is concerned during the pendency of Criminal Appeal No.560 of 2025, preferred by the Applicant and the Applicant is directed to be released on bail on executing P.R. Bond in the sum of Rs.50,000/- with one or two

solvent sureties in the like amount;

- (b) The Applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 4 weeks, in lieu of surety.
- (c) On being released on bail, the Applicant furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (d) The Applicant shall not contact the victim or any other witnesses in any manner.

9. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]