

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

**INTERIM APPLICATION NO.2927 OF 2025
IN
CRIMINAL APPEAL NO. 597 OF 2021**

Deepak Ramniklal Shah

... Applicant
(Org. Accused No.2)

V/s.

The State of Maharashtra

... Respondent

Mr. Rahul Arote for Applicant.

Mr. Vinod Chate, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 25th September, 2025.

P.C. :

1) This is an Application under Section 389(1) of the Cr.P.C. for suspension of sentence and releasing the Applicant on bail during the pendency of Appeal.

2) Perusal of evidence of PW No.2-Babu Jilhapuram, *prima facie* indicates that, the Applicant gave a blow with knife on the right side of the waist of deceased Ganesh. That, co-accused Vinod Shah sat on the chest of Ganesh and inflicted several blows with a knife on the stomach and chest of Ganesh. Due to the blows inflicted by co-accused Vinod Shah, the intestine of Ganesh protruded out from the abdomen.

3) Record indicates that, the substantive sentence imposed upon the co-accused Vinod Shah has been suspended and he has been directed to

be released on bail by an Order dated 22nd February, 2024, by the co-ordinate Bench of this Court. Perusal of evidence, *prima-facie*, indicates that, role attributed to the Applicant is quite lesser than the role attributed to co-accused Vinod Shah and therefore the Applicant is entitled to be released on bail during the pendency of Appeal on the ground of parity.

3.1) Hence, the following Order :-

ORDER

- i) During the pendency of the Criminal Appeal No.597 of 2021, the substantive sentence imposed upon the Applicant vide Judgment and Order dated 5th December, 2019, passed by the learned Additional Sessions Judge, Greater Bombay in Sessions Case No.777 of 2013, is suspended and he is directed to be released on bail on his furnishing PR bond of Rs.50,000/- with one or two sureties in the like amount.
- ii) After his release from the Jail, the Applicant shall attend Ghatkopar Police Station, Mumbai, once in three months i.e. on every first Saturday of the concerned month between 11.00 a.m. to 1.00 p.m. till final disposal of Appeal.

4) Interim Application is allowed in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)