

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1492 OF 2025
IN
CRIMINAL APPEAL NO. 156 OF 2017

Umesh Paramanand Chalwadi ... Applicant

Versus

State of Maharashtra & Anr. ... Respondents

WITH
INTERIM APPLICATION NO. 4840 OF 2025
IN
CRIMINAL APPEAL NO. 596 OF 2019

Rahul Shrihari Choudhari ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Shirish Gupte, Senior Advocate i/b Mr. Nilesh Kumbhar for the Applicant in IA 1492/2017.

Mr. Niteen Pradhan a/w. Ms. S. D. Khot i/b Danish Patel, Ms. Shambhvi Desai and Ms. Gayatri Pore for the Applicant in IA 4840/2025.

Mr. Amit A. Palkar, APP for the Respondent-State.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATED : 5th MAY, 2026.

P.C.:

1. Heard Mr. Shirish Gupte, learned Senior Advocate for the applicant in Interim Application No. 1492 of 2025 and Mr. Niteen Pradhan, learned counsel for the applicant in Interim Application No. 4840 of 2025.

2. Applicant Umesh is accused No.4 whereas applicant Rahul is accused No.3. These are applications for bail during the pendency of appeals. The offence was registered vide C. R. No. 414 of 2010 under Sections 141, 143, 147, 148, 302 read with Section 149 of the Indian Penal Code and under Section 4 and 25 of the Indian Arms Act registered with Kothrud Police Station, Pune. Six accused including these applicants were charge-sheeted for the murder of Dildar Pathan. Dildar Pathan was murdered on 20th December, 2010 at 2.30 p.m. There is an eye witness by name Sachin Shivaji Sartape to the incident. The applicant by Order dated 13th October, 2011 was granted bail during the trial. There is nothing on record to indicate that the applicant has misused the liberty when he was enlarged on bail during trial.

3. By the Judgment and order dated 31st January, 2017, the Additional Sessions Judge, Pune convicted the applicants along with other accused and sentenced them to suffer RI for life. Fine amount has been paid. So far as applicant Umesh Parmanand Chalwadi is concerned, he is in actual custody for a period of 8 years and 2 months.

4. Learned APP opposed the application and submitted that now that the applicants have been convicted, the appeal itself be heard finally instead of enlarging the applicants on bail considering the seriousness of the offence. It is not in dispute that accused No.1, the brother of applicant

Umesh has been enlarged on bail by this Court vide Order dated 2nd February, 2024. Learned APP submitted that the accused Dev Parmanand Chalwadi was enlarged on bail in view of the guidelines issued by the Hon'ble Supreme Court in **Saudan Singh Vs. The State of Uttar Pradesh** in Criminal Appeal No. 308 of 2022 [@ SLP (Crl.) No. 4633 of 2021], dated 25th February, 2022 and the view expressed in cases of (i) **Suleman Vs. The State of Uttar Pradesh**, Criminal Appeal No. 491 of 2022 (Arising out of SLP (Crl) No. 1451 of 2022) dated 25th March, 2022 and (ii) **Dinesh @ Paul Daniel Khajekar Vs. State of Maharashtra & Anr.**, Criminal Appeal No. 2987 of 2023 (Arising out of SLP (Crl.) No. 10320 of 2023) dated 25th September, 2023.

5. So far as the applicant Rahul Shrihari Choudhari in Interim Application No. 4840 of 2025 is concerned, he has completed actual imprisonment of 10 years and 2 months. Therefore, Rahul is squarely covered by the decision of **Saudan Singh** (supra) and even on parity considering the role assigned, the sentence can be suspended.

6. So far as the applicant Umesh Paramanand Chalwadi in Interim Application No. 1492 of 2025 is concerned, no doubt the period of actual imprisonment is 8 years and 2 months and therefore his case is not squarely covered by the decision of **Saudan Singh** (supra). However, it needs to be considered that this appeal is of the year 2017 and considering

the pendency situation of old appeals which have to be given priority and accused are in jail, it may not be possible for us to hear the appeal finally at an early date as requested by learned APP. The applicant Umesh was granted Covid bail. He was also granted furlough/parole . It is not the case of the prosecution that the applicant has misused his liberty while on Covid bail or while on furlough/parole. The applicant has surrendered within the stipulated time. We cursorily glanced at the materials on record which *prima facie* indicate that the assault is attributed mainly to accused No.1 Dev. However, this is not a factor which reduces the gravity of the offence so far as the Umesh is concerned. Suffice it to observe that the facts and circumstances of the case, considering that the applicant is in custody for more than 8 years and 2 months and as the appeal is likely to take some time before it is heard finally, we are inclined to enlarge the applicant Umesh on bail. Hence, the following Order:-

- (i) The substantive sentence imposed on the applicants Umesh Paramanand Chalwadi and Rahul Shrihari Choudhari vide Judgment and order dated 31st January, 2017, passed by the Additional Sessions Judge, Pune is suspended during the pendency of the appeal.
- (ii) The applicants Umesh Paramanand Chalwadi and Rahul Shrihari Choudhari are enlarged on bail on furnishing P. R. bond of

Rs.25,000/- each with one or more surety in the like amount to the satisfaction of the trial Court.

iii) The applicants to attend Kothrud Police Station, Pune once in three months on first Monday of the month commencing June, 2026 between 11.00 a.m. and 1.00 p.m.

iv) The applicants shall remain present at the time of final hearing.

v) The applicants shall furnish their addresses and contact details.

7. The Interim Applications are disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)