

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

**INTERIM APPLICATION NO.3587 OF 2025  
IN  
CRIMINAL APPEAL NO.725 OF 2024**

Ashok Shankar Kharat  
Vs.  
The State of Maharashtra

.... Applicant  
.... Respondent

Mr. Hitesh Mutha, (appointed Legal Aid) for the Applicant.  
Mr. Ashok S. Gawai, APP for the Respondent-State.  
PSI- Sameer B. Bagade, Rabale Police Station, Navi Mumbai, present.

**CORAM : SHYAM C. CHANDAK, J.**

**DATED : 1<sup>st</sup> JUNE, 2026**

**(VACATION COURT)**

**P.C. :-**

. Mr. Mutha, learned Counsel for the Applicant/Appellant tendered an Affidavit duly signed and affirmed by Chaitanya Ashok Kharat, who is son of the Applicant/Appellant. Therein, it has been specifically stated that Mrs. Ashwini Ashok Kharat, who is wife of the Applicant/mother of the affirmant is critically ill and presently, she is inpatient at Lokmanya Tilak Municipal General Hospital, Sion, Mumbai. Therefore, presence of the Applicant with his wife is essential. Hence, the said Affidavit is taken on record and the Application is taken up for hearing.

2) Heard Mr. Mutha, the learned Legal Aid Counsel for the Applicant and Mr. Gawai, the learned APP for the Respondent-State.

3) The aforesaid Application has been received through jail and it is seeking final hearing of the Appeal or to release the Appellant on bail pending the Appeal.

4) By the impugned Judgment and Order dated 29.02.2024, in Special MCOC Case No. 7 of 2010, passed by the Additional Special Judge (MCOC) Thane, the Appellant has been convicted for the commission of the offence punishable under Sections 386 and 387 r/w 34 of the Indian Penal Code, 1860 and sentenced to suffer R.I. for the period of 5 years and to pay fine of Rs.1000/- with default stipulation. The learned Counsel for the Applicant submits that, till date, the Applicant has undergone half of the substantive sentence and he has already paid the fine amount.

5) Earlier, the Applicant had filed Interim Application No.2461 of 2024 for suspension of his conviction and sentence and release on bail pending the Appeal. In that Application, on 03.07.2025 this Court has passed the following Order :-

- “1. Heard Mr. Ingle, learned Counsel appearing for the Applicant. He states that if the Criminal Appeal is heard finally, then he has instructions to withdraw the Interim Application. He states that as the Applicant has completed about 23 months of the imprisonment, the Criminal Appeal be placed for final hearing.*
- 2. Accordingly the Interim Application is allowed to be withdrawn and disposed of as such.*
- 3. However, it is clarified that, if the Criminal Appeal could not be taken up for final hearing within a period of six*

*months, then liberty is granted to the Applicant to file fresh Interim Application seeking bail.”*

6) The medical papers enclosed with the Affidavit of Chaitanya Kharat show that, the wife of the Applicant has been suffering from Necrotizing Fasciitis/Fournier’s Gangrene/ bed sores. She has undergone surgeries for the said ailment. This indicates that the Applicant’s wife is in a critical state. Therefore, the presence of the Applicant by the side of his wife is essential to take care of her and to provide her with necessary support. On this ground alone, the Applicant is entitled to be released on bail.

7) No doubt, the chart produced by the learned Counsel for the Applicant (Marked “X” ) shows that, including this case, the Applicant has been involved in total 14 crimes. However, in 12 crimes he has been acquitted and in one crimes of 2023, relating to the offence of attempt to murder etc., he has been granted bail. There is no possibility of the Applicant absconding and non-cooperative in final disposal of this Appeal.

8) In the wake of above, I am inclined to allow the Application. Hence, following Order:-

**:: ORDER ::**

- (a) Application is allowed.
- (b) Pending the aforesaid Appeal, the execution of the impugned Order of sentence appealed against by the Applicant/Appellant Ashok Shankar Kharat is suspended and the Applicant Ashok Shankar Kharat shall be released on bail on his executing P.R.

bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

- (c) The Applicant shall attend in this Appeal regularly through his Advocate on record for expeditious hearing and disposal of the Appeal.
  - (d) The Applicant shall attend at Rabale Police Station, on 5<sup>th</sup> date of each calendar month between 11:00 a.m. to 4:00 p.m. till further Orders.
  - (e) The Applicant shall not commit any offence while on bail.
  - (f) The Applicant shall provide his contact number and detailed address where he will be staying after being released on bail and a change therein to this Court as well as Rabale Police Station.
  - (g) If there is breach of any of the aforesaid conditions, the Respondent will be at liberty to seek cancellation of the bail.
- 9) Application stands disposed of.
- 10) All concerned to act on an authenticated copy of this Order.

**(SHYAM C. CHANDAK, J.)**