

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.783 OF 2026****IN****APPEAL NO.458 OF 2025**

Umesh Kondiba Avhad

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Adv. Sumit Patil i/by Adv. Amit Icham for the Applicant.
Mr. Vinod Chate, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 8th April, 2026.

PC.:-

- 1) This is an Application by Original Accused No.1 for suspension of sentence and releasing him on bail, during the pendency of the Appeal.
- 2) Record indicates that, the Original Accused Nos.2, 3 and 4 have been released on bail by this Court by Orders dated 13th February, 2026 and 4th March, 2026. Record further indicates that, the role attributed to the Applicant were same and/or similar to that which has been attributed to Naresh Donde (Accused No.2), Nayan Suresh Shinde(Accused No.3) and

Avinash Pralhad Sawant(Accused No.4) i.e. have assaulted the deceased with fist and kick blows.

4) Learned APP after perusing the record fairly conceded to the fact that, the Applicant is entitled to claim parity with the co-accused Naresh Donde(Accused No.2), Nayan Suresh Shinde(Accused No.3) and Avinash Pralhad Sawant(Accused No.4).

5) In view of the above, we are inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail, during the pendency of the Appeal.

5.1) Hence, the following Order-

- i. During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended.
- ii. Applicant be released on bail in Sessions Case No.263 of 2019 arising out of C.R. No.73 of 2019 registered with Indiranagar Police Station, Nashik on their furnishing PR. bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
- iii. After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend Indiranagar Police Station, District Nashik 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 Indiranagar Police Station, District Nashik on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicants thus shall attend Indiranagar Police Station, District Nashik four times in a year during the pendency of the present Appeal.

iv. 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.

6) Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)