

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1311/2019  
IN  
CRIMINAL APPEAL NO.533/2019**

**SANJAY ABA DENGLE ).... APPLICANT.**

**V/s.**

**STATE OF MAHARASHTRA ).... RESPONDENT.**

Mr.Anil G. Lalla a/w Miss Anchul A. Lalla and Ms Hetvi Mota for Appellant.

Mr.Vinod Chate, APP for State.

**CORAM : A. M. BADAR, J.**

**DATE : SEPTEMBER 19, 2019.**

**P.C. :**

1. By this application, the applicant/convicted accused Sanjay Aba Dengle (Accused No.8), is seeking suspension of sentence and releasing him on bail, during pendency of Appeal. He is convicted of the offence punishable under Section 395 and 120-B of the Indian Penal Code, on each count, he has been sentenced to suffer rigorous imprisonment for 10 years, apart from imposition of fine of Rs.10,000/- and

default sentence of one year simple imprisonment.

2. The Application is taken up for hearing before this Court as per the directions dated 3.09.2019 of the Hon'ble Chief Justice.

3. Earlier Bail Application moved by applicant/convicted accused No.8 came to be rejected on merits by this Court with reasoned order on Criminal Application No.888/2018 on 15/10/2018.

4. Heard learned counsel appearing for applicant/convicted accused. He drew my attention to the Orders dated 24.7.2019 passed by the coordinate Bench of this Court (Coram:Dama Seshadri Naidu, J.), in Criminal Application No.1005/2019 and Criminal Application No.1044/1999 which were filed by convicted Accused No.3 Mayur Dattatraya Dangde and Mahadev Ganpat Dengale (Accused No.6). Similarly, my attention is also drawn to the Order dated 31.7.2019 passed in Criminal Application No.513/2019 filed by convicted Accused No.10 Subhash Shirwale whereby the

Coordinate Bench of this Court ((Coram:Dama Seshadri Naidu, J.) was pleased to release the applicant therein on bail. Order dated 9.8.2019 passed by the said Court in Criminal Application No.1264/2019 filed by the Co-accused Dayanand Salve (Accused No.4) is also pressed in service. By this Order the Coordinate Bench of this Court (Coram:Dama Seshadri Naidu, J.) was pleased to release the said convicted accused on bail. Learned counsel for the applicant/convicted accused submits that on the principle of parity, present applicant/convicted accused No.8, Sanjay Aba Dengle also needs to be released on bail.

5. Learned APP opposed the Appeal submitting that the applicant/accused No.8 has undergone 4 years and 9 months of sentence and as such, he is short of undergoing 50% sentence.

6. I have considered the submissions so advanced and perused the material placed before me. Convicted co-accused Dayanand Suryakant Salve had preferred Bail Application vide Criminal Application No.933/2017, which was

rejected on merit by this Court on 04.09.2017. However, the said convicted accused preferred another such application bearing Criminal Application No.1264/2019 which came to be allowed by the coordinate Bench of this Court (Coram: Dama Seshadri Naidu, J.) on 09.08.2019 with reason that more than 50% of the sentence imposed has already been undergone. Similarly, similar applications moved by (convicted accused No.6)-Mahadev Dengale, (convicted co-accused No.10)-Subhash Shirwale, (convicted co-accused No.3)-Mayur Dattraya Dangde came to be allowed by the coordinate Bench of this Court (Coram: Dama Seshadri Naidu, J.) on 24.7.2019 and 31.07.2019. The reasons stated for releasing theses convicted co-accused is to the effect that, they had undergone 50% of the sentence imposed.

7. On earlier occasion, while passing order dated 15.10.2018, on Criminal Application No.888/2018, filed by present application/convicted accused No.8, this Court has considered seriousness of offence, which was committed with the help of accused police persons. This Court noted that, gold and diamond jewellery worth more than Rs.5 Crores

came to be looted with active assistance of accused police personnel and other accused persons. Evidence appearing against convicted accused was also considered by this Court. Similar is the case in respect of convicted Accused No.4 Dayanand Salve whose Bail Application was rejected by this Court, vide Order dated 4.9.2017. Subsequently, he is granted bail by the coordinate Bench of this Court, by order dated 09.08.2019 (Coram: Dama Seshadri Naidu,J.) with reason that he has undergone 50% sentence.

8. The role attributed to the present applicant/convicted accused and co-accused who are released on bail, by the coordinate Bench of this Court, namely Mahadev Ganpat Dengale, Subhash Mahendra Shirwale and Dayanand Suryakant Salve is almost identical and this aspect is not disputed by the learned APP. Maximum sentence imposed on the applicant as well as the co-accused is that of 10 years. The Applicant/convicted accused has already undergone sentence of 4 years and 9 months. As such, on the principle of parity, the present applicant also needs to be released on bail, in view of bail Orders on several Bail Applications of

several co-accused, passed by the coordinate Bench of this Court. Hence, the Order.

**ORDER:**

- i) Application is allowed.
- ii) Substantive sentence of imprisonment imposed on applicant/convicted accused is suspended and he is directed to be released on bail, on his executing P.R. Bond in the sum of Rs.20,000/- and on his furnishing one or two sureties in the like amount.
- iii) The applicant should not contact first informant or victim or any witness in any manner.
- iv) The applicant's failure to abide by these conditions will entail the prosecution to apply for cancellation of bail now granted to the applicant.

**(A. M. BADAR, J.)**

