

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.79 OF 2022
IN
CRIMINAL APPEAL NO.51 OF 2022

Vilas Mansing Ade and another. **Versus** State of Maharashtra, through P.S.O., P.S. Chandur Railway, Tq. Chandur Railway, Dist. Amravati.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R.Agrawal, Advocate for the applicant(s).

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 29th March, 2022.

1. This is an application filed under Section 389 of Code of Criminal Procedure, 1973 for suspension of sentence and grant of bail.

2. The applicants have been convicted vide judgment and order dated 27/10/2021 passed by the learned Special Judge (MCOCA) and Additional Sessions Judge, Amravati in Special (MCOCA) Case No. 103/2017, whereby the learned Trial Court was pleased to convict the applicants for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for a period of eight years each and to pay fine of Rs.10,000/-

each and in default, to suffer Simple Imprisonment for six months each.

3. Heard learned counsels for respective parties.

4. Shri P.R.Agrawal, learned counsel for the applicants submits that the accused Naresh @ Narendra Kawadidas Chavhan who is the co-accused in this case. This Court, vide order dated 20/12/2021 suspended the sentence and granted bail. He therefore, claiming parity.

5. Learned APP is not disputing the fact that, the co-accused has already been granted bail by this Court in Criminal Application (APPA) No. 667/2021 in Criminal Appeal No.495/2021, vide order dated 20/12/2021.

6. This Court, in the said order dated 20/12/2021 has recorded the reasons for grant of bail to the applicant by suspending the sentence. I do not want to take different view, accordingly the application is **allowed**. The substantive sentence imposed by the learned Special Judge (MCOCA) and Additional Session Judge, Amravati vide judgment dated 27/10/2021 passed in Special (MCOCA) Case No.103/2017, is hereby suspended till final disposal of the appeal. In the

meantime, the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each with one solvent surety in the like amount.

7. The appellants shall attend the concerned Police Station as and when their presence is required.

CRIMINAL APPEAL NO.51 OF 2022

This appeal be heard along with Criminal Appeal No.495/2021.

[JUDGE]