

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

**10 CRIMINAL APPLICATION NO. 382 OF 2024
IN
APEAL/80/2024**

Datta Hari Hambarde
VERSUS
The State Of Maharashtra

...
Mr. Suraj R. Bagal - Advocate for Applicant
Mrs. V. S. Chaudhari - APP for Respondents

...
AND
**CRIMINAL APPLICATION NO. 408 OF 2024
IN
APEAL/89/2024**

...
Mr. Mahesh V. Ghatge - Advocate for Applicant
Mrs. V. S. Chaudhari - APP for Respondents

...
AND
**CRIMINAL APPLICATION NO. 244 OF 2024
IN
APEAL/53/2024**

...
Mr. G. R. Syed - Advocate for Applicant
Mrs. V. S. Chaudhari - APP for Respondents

**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, J.**

DATED : 22ND JANUARY, 2024

PER COURT : -

1. These applications are filed for suspension of substantive sentence imposed upon the applicants by the learned Additional Sessions Judge-1, Nanded vide the Judgment and Order dated 05.12.2023 passed in Sessions Case No. 11/2021.

2. Heard both the sides.
3. Issue notice to the respondents in Criminal Applications No. 382 of 2024 and 244 of 2024. Learned APP waives service of notice for respondent/State.
4. Criminal Application No. 408 of 2024 is not on board. Mentioned. Taken on board in view of the urgency expressed by learned advocate Mr. M. V. Ghatge for the Applicants.
5. It is informed by the learned advocates for the applicants that the record and proceeding is already received in Criminal Appeal No. 19 of 2024 and same is awaited in connected Criminal Appeals.
6. It is submitted by the learned advocate for the respective applicants that the co-accused against whom the similar offence is registered has already been granted bail. The present applicants are similarly situated.
7. Learned APP submits that since the offence for which the applicants/appellants are convicted is punishable under Section 395 of the Indian Penal Code, they may not be granted bail.

8. It is not in dispute that the substantive sentence of the appellant in Criminal Appeal No. 19 of 2024 has been suspended by this Court vide order dated 10th January, 2024 and he has been released on bail. It is also not in dispute that the applicants herein are the similarly situated as that of the appellant who has been granted bail by the aforesaid order.

9. In this view of the matter, the applications are allowed in terms of the order dated 10th January, 2024 passed in Criminal Application No. 65 of 2024 in Criminal Appeal No. 19 of 2024.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE