



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

**8 CRIMINAL APPLICATION NO. 380 OF 2024
IN APEAL/10/2021**

Gyandeo @ Aba Namdeo Jadhav

VERSUS

The State Of Maharashtra

...

Mr. Sachin S. Deshmukh h/f Mr. S. S. Jangada - Advocate for Applicant
Mrs. Uma S. Bhosale - APP for Respondent/State

...

**WITH
CRIMINAL APPEAL NO. 10 OF 2021**

**WITH
CRIMINAL APPEAL NO. 334 OF 2022**

...

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

DATED : 12TH FEBRUARY, 2024

PER COURT : -

1. Heard learned advocate for the Applicant and learned APP for Respondent/State.
2. The Applicant's first application for suspension of substantive sentence was withdrawn. This is the subsequent application by the Applicant.
3. It is submitted by the learned advocate for the Applicant/Appellant that this application is being moved in view of the

order dated 05.12.2022 by which the co-appellant/co-convict has been granted bail and his substantive sentence has been suspended.

4. Learned APP opposes the application.

5. We have perused the earlier order dated 05.12.2022 passed by this Court in Criminal Application No. 2247 of 2022 in Criminal Appeal No. 334 of 2022 by which the Applicant/co-convict Dnyaneshwar s/o Ambadas Jadhav's substantive sentence has been suspended. If we see the evidence of PW1, it is seen that similar role has been attributed to all the convicts. Therefore, we find merit in the contention of the learned advocate for the Applicant/Appellant that the Applicant/Appellant stand on parity. It is not disputed that the Applicant/Appellant is behind the bars for more than 7½ years. There is no likelihood that the appeal would come up for final hearing in the near future. In this view of the matter, we pass the following order.

ORDER

- (i) The Criminal Application is allowed.
- (ii) Pending decision of the Appeal, the substantive sentence of imprisonment imposed by learned Additional Sessions Judge, Basmathnagar, by order dated 10/12/2020 passed in Sessions Trial No. 49/2016 to stand suspended so far as the present Applicant Gyandeo @ Aba Namdeo Jadhav, and

the present applicant be released on bail on his executing
PR. bond in the sum of Rs. 15,000/- (Rupees Fifteen
Thousand) with one surety in the like amount.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde