



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

**CRIMINAL APPLICATION NO.1495 OF 2024
IN
CRIMINAL APPEAL NO.197 OF 2024**

Rohit s/o. Hanmant Raksh	..Applicant
vs.	
State of Maharashtra	..Respondent

Mr.N.S.Ghanekar, Advocate for applicant
Mrs.S.N.Deshmukh, APP for respondent

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : APRIL 25, 2024**

ORDER :-

This is an application filed by the convict for suspension of sentence, awarded by learned Additional Sessions Judge -2, Hingoli in Sessions Trial No.72/2017 by judgment and order dated 16/1/2024, convicting the applicant for the offences punishable under Sections 365, 364, 364-A read with Section 149 of the Indian Penal Code and Section 4/25 of the Arms Act.

2. It is the case of the prosecution that, the informant's major son was kidnapped by the accused persons for ransom. His son was kept for 4 days by the accused persons. At one place where the vehicle was halted, the persons who were present there, went near the Car and when they opened the dicky, they found the informant's son. The

accused persons ran away. However, the accused persons were apprehended after a while.

3. Learned counsel for the applicant/appellant submits that the co-accused has been granted bail by suspending sentence vide order dated 28.03.2024 in Criminal Application No.937 of 2024 in Criminal Appeal No.197 of 2024. He submits that on the ground of parity, the applicant is entitled for bail and suspension of sentence.

4. The application is opposed by learned APP. She submits that the applicant was driving the vehicle at the relevant time and therefore, no parity would be applicable. She submits that the application may be rejected.

5. We reproduce the reasons given in the aforesaid order dated 28.03.2024 passed in Criminal Application No.937 of 2024:-

6. Admittedly the person who was kidnapped was major by age. Though the accused persons were unknown persons, no test identification parade was held during the course of investigation. The victim has not given description of the accused persons. There are no call details/CDR to establish that there was telephonic contact with the victim's father for demand of ransom.

6. There is nothing to show that the applicant herein had played higher role as compared to the co-accused, who have been granted bail. Thus, on the ground of parity, we pass the following order:-

- (i) The application is allowed.
- (ii) During pendency of the appeal, the substantive sentence of imprisonment imposed against the applicant/appellant by learned Additional Sessions Judge-2, Hingoli in Sessions Trial No.72/2017 vide judgment and order dated 16/1/2024, to stand suspended. The applicant/appellant be released on bail, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP