



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2426 OF 2024

IN

CRIMINAL APPEAL NO. 378 OF 2018

Sunil Dnyanadeo Lahare

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. Ajinkya Reddy, Advocate for applicant (appointed through Legal Aid)

Mr. G.A. Kulkarni, A.P.P. for respondent - State

....

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

DATE : 28th JUNE, 2024

PER COURT :

1. This application is filed for suspension of substantive sentence imposed upon the applicant vide judgment and order dated 03rd May, 2018 passed by Special Judge (MCOCA) and Additional Sessions Judge, Nashik in Special (MCOC) Case No. 1 of 2011

2. It is submitted by learned counsel for the applicant that the co-convicts, who has filed the appeal against same judgment and order of conviction before the Principal Seat of this Court at Bombay, is released vide order dated 01st February, 2024 passed in Interim Application No. 3768 of 2022, on the ground of long incarceration. Also this Court by order dated 16th April, 2024 in Criminal Application Nos. 1367 of 2024 and 981 of 2024 granted bail to the co-convicts. He submits that the present applicant's role is

less severe than the role attributed to the co-convicts who are granted bail, and therefore, on the ground of parity, the sentence imposed on him requires to be suspended.

3. Learned A.P.P. fairly submits that present application can be considered by this Court since the co-convicts to whom severe role has been attributed are granted bail and the said orders have attained finality.

4. In view of the above referred admitted position that the co-convicts have been granted bail by the Principal Seat by order dated 01st February, 2024 in Interim Application No. 3768 of 2022 and further this Court by order dated 16th April, 2024 in Criminal Application Nos. 1367 of 2024 and 981 of 2024 granted bail to the co-convicts, we proceed to pass the following order :-

ORDER

- (i) Applicant shall be released on bail in Special MCOC Case No.1/2011 arising out of CR No. 113 of 2011 registered with Shirdi Police Station, on his furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent local sureties in the like amount.
- (ii) After his release from jail and during the pendency of the present appeal, the applicant shall attend Shirdi Police Station, Dist. Ahmednagar on every first Monday of the month between 10.00 am and 12.00 noon initially for a period of one year.

After end of one year, the applicant shall attend Shridi Police Station, District Ahmednagar on every first Monday of every 3rd month between 10.00 am and 12.00 noon. The applicant thus shall attend Shridi Police Station, Dist. Ahmednagar, four times in a year during the pendency of the present appeal.

- (iii) In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file an application for cancellation of bail.
- (iv) Applicant shall inform his prospective residential address to the trial Court. Applicant shall keep informed the trial Court change in his residential address and his mobile number, on which he can be contacted.
- (v) Applicant shall make himself available at the time of final hearing of the appeal.
- (vi) Criminal application stands disposed of accordingly.
- (vii) Fees of Mr. Ajinkya Reddy, learned counsel, appointed to represent the applicant through Legal Aid, is quantified to Rs.7,000/- (Rupees Seven Thousand).

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD