

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPLICATION NO. 2240 OF 2018
IN
CRIMINAL APPEAL NO. 633 OF 2020

Sameer Nijam Sayyed,
Age : 31 years, Occu. Nil,
R/o. Kalikanagar, Shirdi,
Tq. Rahata, Dist. Ahmednagar.

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr. Ajinkya Reddy - Advocate for Applicant
Mr. G. A. Kulkarni - APP for Respondent/State

...

AND

CRIMINAL APPLICATION NO. 2959 OF 2024
IN
CRIMINAL APPEAL NO. 660 OF 2024

1. Vinod s/o Subhash Jadhav,
Age : 42 years, Occu. Nil,
R/o. Near Shani Mandir, Rahata,
Tq. Rahata, Dist. Ahmednagar.

2. Abasaheb s/o Babasaheb Landge,
Age : 37 years, Occu. Nil,
R/o. Rahata, Tq. Rahata,
Dist. Ahmednagar.

...Applicants

Versus

The State Of Maharashtra

...Respondent

...

Mr. P. P. More h/f Mr. Ganesh A. Rathod - Advocate for Applicants
Mr. G. A. Kulkarni - APP for Respondent/State

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

DATED : 01ST AUGUST, 2024

PER COURT : -

1. By these applications, the Applicants have prayed for suspension of sentence and bail on the ground of long incarceration.
2. It is submitted by the learned advocate for the Applicants that the Applicants are behind the bars for a period of more than twelve (12) years. It is further submitted by the learned advocate for the Applicants that the co-convicts have been granted bail by the Principal Seat of this Court at Mumbai and also by this Court.
3. The applications are opposed by the learned APP. He submits that the applicants' role is different and, therefore, no parity would apply. He submits that the applications be rejected.
4. There is no dispute that the Principal Seat of this Court at Mumbai vide order dated 1st February, 2024 passed in Interim Application No. 3768 of 2022 in Criminal Appeal No. 263 of 2019 [Mauli @ Dnyaneshwar S. Gunjal vs. State of Maharashtra] granted bail to the Applicant therein on the ground of long incarceration. Further, there is also no dispute that this Court by orders dated 16th April, 2024 passed in Criminal Application No. 1367 of 2024 and 28th June, 2024 passed in Criminal Application No. 2426 of 2024 released the co-convicts on bail on the ground of long incarceration. Admittedly,

none of the parties have moved before the Principal Seat of this Court for clubbing the Appeals and, therefore, there is no possibility that the Appeals would be heard in the near future. In this view of the matter, we proceed to pass the following order on the ground of long incarceration.

ORDER

- (i) Applicants in both the applications 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 their furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with one or two solvent local sureties in the like amount.
- (ii) After their release from jail and during the pendency of the present appeals, the applicants 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 applicants shall attend Shirdi Police Station, District Ahmednagar on every first Monday of every 3rd month between 10.00 am and 12.00 noon. The applicants thus shall attend Shirdi Police Station, Dist. Ahmednagar, four times in a year during the pendency of the present appeals.
- (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) Applicants shall inform their prospective residential addresses to the trial Court. Applicants shall keep informed

the trial Court in case of change in their residential addresses and mobile numbers, on which they can be contacted.

(v) Applicants shall make themselves available at the time of final hearing of the appeals.

(vi) Both the applications stand disposed of accordingly.

[NEERAJ P DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde