



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3214 OF 2024
IN CRIMINAL APPEAL NO. 746 OF 2024

Sagar Shivaji Kale ..APPLICANT
VERSUS
State of Maharashtra ..RESPONDENT

AND CRIMINAL APPLICATION NO. 3649 OF 2024
IN CRIMINAL APPEAL NO. 632 OF 2020

Papya @ Salim Khwaja Shaikh ..APPLICANT
VERSUS
State of Maharashtra ..RESPONDENT

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Ms. S.G. Sonawane, Advocate for applicant in APPLN/3214/2024
Mr. R.A. Jaiswal, Advocate for applicant in APPLN/3649/2024
Mr. S.J. Salgare, A.P.P. for respondent - State
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CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 25th SEPTEMBER, 2024

PER COURT :

1. These are the applications for suspension of sentence and grant of bail.
2. Learned counsel for the applicants submit that this Court as well as the Principal Seat of Bombay High Court have suspended the substantive sentence of the co-convicts and granted them bail. Present applicants are, therefore, entitled for the same relief on the ground of parity.

3. Though learned A.P.P. does not dispute the said factual aspect, he opposes the applications on the ground that the applicants are having criminal antecedents.

4. Necessary details of the co-convicts, who are granted bail, are as follows :-

Accused No.	Name of Accused	Proceeding No.	Bail Granted on	Coram of Hon'ble Judges
6	Mauli @ Dnyaneshwar Gunjal	I.A. No. 3768/2022 in Cr. Appeal No.263/19	01.02.2024	Hon'ble A.S. Gadkari & S.C. Chandak, JJ
7	Gani Mehboob Sayyad	Cr. Appln. No.1367/24 in Cr.Appeal No.375/18	16.04.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.
13	Nilesh Devilal Chikse	Cr. Appln. No.981/24 in Cr. Appeal No.389/18	16.04.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.
4	Sunil Dnyandeo Lahare	Cr. Appln. No. 2426/24 in Cr.Appeal No.378/18	28.06.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.
9	Rahim Munawar Pathan	I.A. No. 349/2023 in Cr. Appeal No. 279/2024	03.07.2024	Hon'ble R.M. Dere & S.C. Chandak, JJ.
16	Nisar Kadar Shaikh	I.A No. 1959/24 in Cr.Appeal No. 602/24	03.07.2024	Hon'ble R.M. Dere & S.C. Chandak, JJ.
8	Sameer Sayyad	Cr. Appln. No.2240/18 in Cr.Appeal No.633/20	01.08.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.
2	Vinod Jadhav	Cr.Appln. No.2959/24 in Cr.Appeal No.660/24	01.08.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.
5	Abasaheb Landge	Cr. Appln. No. 2959/24 in Cr.Appeal No.660/24	01.08.2024	Hon'ble R.G. Avachat & N.P. Dhote, JJ.

5. Admittedly, the applicants stand on parity with the other co-convicts. We reproduce the relevant observations of this Court in order dated 01st August, 2024 passed in Criminal Application No. 2240 of 2018, as under :-

“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 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.”

6. In view of above, 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, J.)

(R.G. AVACHAT, J.)

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