



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

**CRIMINAL APPLICATION NO.4246 OF 2024
IN
CRIMINAL APPEAL NO.943 OF 2024**

1. Rushikesh Mahadeo Kokane,	
2. Rameshwar s/o. Appasaheb Taur,	
3. Sunil s/o. Devendra Aherkar	..Applicants
Vs.	
The State of Maharashtra	..Respondent

Mr.Shrigopal Dodya, Advocate for applicants
Mr.S.D.Ghayal, APP for respondent

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : OCTOBER 24, 2024**

ORDER :-

This is an application filed by the convicts 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 them for the offences punishable under Sections 365, 364, 364-A, 307 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 applicants/appellants submits that the co-accused who were similarly situated with the present applicants/appellants, have been granted bail in Criminal Application No.937 of 2024 in Criminal Appeal No.197 of 2024 by order dated 28.03.2024; and in Criminal Application No.1495 of 2024 in Criminal Appeal No.197 of 2024 by order dated 25.04.2024. He submits that the present applicants are entitled for suspension of sentence on the ground of parity.

4. The application is opposed by learned APP. He submits that the applicants cannot claim parity.

5. We have perused the evidence on record. There is no dispute that the co-convicts have been granted bail by suspending their sentence. There is nothing to show that the present applicants have played higher role than the role attributed to the co-convicts who have been granted bail. The applicants are behind the bars for more than seven years. The appeal is not likely to be heard in the near future. 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 applicants/appellants by learned Additional Sessions Judge-2, Hingoli in Sessions Trial No.72 of 2017, vide judgment and order dated 16/1/2024, to stand suspended. The applicants/appellants be released on bail, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP