

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4108 OF 2024

IN

CRIMINAL APPEAL NO. 1108 OF 2024

Priyanka Dnyaneshwar @ Mauli
Lokare @ Priyanka Dipak DeshmukhApplicant

IN THE MATTER BETWEEN

Mangal Apppa Ethape & Ors.Appellants.

Vs.

State of MaharashtraRespondent

WITH

INTERIM APPLICATION NO. 4109 OF 2024

IN

CRIMINAL APPEAL NO. 1108 OF 2024

Satish Appa Ethape @ Satish Appa PatilApplicant

IN THE MATTER BETWEEN

Mangal Apppa Ethape & Ors.Appellants.

Vs.

State of MaharashtraRespondent

WITH

INTERIM APPLICATION NO.4106 OF 2024

IN

CRIMINAL APPEAL NO. 1108 OF 2024

Mangal Appa EthapeApplicant

IN THE MATTER BETWEEN

Mangal Apppa Ethape & Ors.

....Appellants

Vs.

State of Maharashtra

.....Respondent

Mr. Salman Pathan for the Applicant in IA-4106 of 2024, IA-4108 of 2024 and IA-4109 of 2024

Mr. V. B. Konde Deshmukh Addl. P. P for Respondent-State

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 4th March 2025.

P.C.:-

1. By these Interim Applications, the Applicants therein seek suspension of their sentences and enlargement on bail pending the hearing and final disposal of their aforesaid appeal.

2. The Applicants (Original Accused Nos. 8, 9 and 10) vide judgment and order dated 30th September 2024 passed by the learned Special Judge under The Maharashtra Control of Organized Crime Act, 1999 ("MCOC Act"), Pune in MCOCA Special Case No.12 of 2017, have been convicted for the offences punishable under Sections 412, 413 and 414 of the IPC as well as under Sections 3(4), 3(5) and 4 of the MCOC Act. For the said offences, the Applicants are directed to undergo a sentence of 7 years imprisonment and to pay fine of Rs.10,00,000,- each, in default, to suffer simple imprisonment for

one year. No separate sentences have been awarded for each of the offence.

3. The Applicants have, however, been acquitted from the offence punishable under Section 395 of the IPC. Admittedly, the Applicants have undergone more than 50 percent of the sentence i.e. the Applicants have been in custody for more than five and half years out of seven years. The allegation as against the Applicants is that of having received stolen property.

4. Considering the aforesaid, the Applications are allowed and the Applicants' sentences are suspended and they are enlarged on bail pending the hearing and final disposal of their aforesaid Appeal, on the following terms and conditions.

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The Applicants shall report to the trial Court once in six months on the day/date

specified by the trial Court, till their Appeal is finally disposed of;

iii) The Applicants shall keep the trial Court informed of their current address and mobile numbers and/or change of residence or mobile details, if any, from time to time;

iv) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

6. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)