



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 271 OF 2025
IN
CRIMINAL APPEAL NO. 397 OF 2024

Lahu Sayaji Ghangale
Age: 62 years, Occ. Agri.,
R/o: Hiware Korda, Tal. Parner,
Dist. Ahmednagar

... Applicant
[Orig. Accused No.10]

Versus

State of Maharashtra
Through Police Inspector,
Kotwali Police Station,
Taluka Ahmednagar,
District Ahmednagar.

... Respondent

WITH
CRIMINAL APPLICATION NO. 218 OF 2025
IN
CRIMINAL APPEAL NO. 398 OF 2024

1. Sudhakar Gopinath Sumbe
Age : 58 years, Occ. Business,
2. Gopinath Shankar Sumbe
Age 89 years, Occ. Agriculture,

Both R/o. Padali Kaanhur,
Tq. Parner, District Ahilyanagar

... Applicants
[Orig. Accused Nos. 23 & 24]

Versus

State of Maharashtra
Through Police Inspector,
Kotwali Police Station,
Tal. Ahmednagar.
District Ahmednagar.

... Respondent

WITH
CRIMINAL APPLICATION NO. 260 OF 2025
IN
CRIMINAL APPEAL NO. 451 OF 2024

Baban Deoram Zaware
Age : 78 years, Occ: Agri.,
R/o. Kanhur Pathar, Tq. Parner,
Dist. Ahmednagar.
(At present at Nashik Central
Prison, Nashik)

... Applicant

Versus

The State of Maharashtra

... Respondent

WITH
CRIMINAL APPLICATION NO. 3160 OF 2024
IN
CRIMINAL APPEAL NO. 709 OF 2024

Dinkar Babaji Thube
Age 62 Years, Occu. Nil,
R/o. Kanhur Pathar, Tq. Parner,
Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra

... Respondent

WITH
CRIMINAL APPLICATION NO. 4894 OF 2024
IN
CRIMINAL APPEAL NO. 460 OF 2024

Harishchandra Savleram Londhe
Age 55 Years, Occu. Service,
R/o. Kedgaon, Tq. & Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra

... Respondent

WITH
CRIMINAL APPLICATION NO. 4957 OF 2024
IN
CRIMINAL APPEAL NO. 437 OF 2024

Sudhakar Parshuram Thorat,
Age: 63 years, Occ. Retired,
R/o: Pimpri Gavali, Tal. Parner,
Dist. Ahmednagar

... Applicant

Versus

State of Maharashtra
Through Kotwali Police Station,
Tal. Dist. Ahmednagar.

... Respondent

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Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon, Advocate for the
Applicant in Cri. Appln/271/2025 and Cri. Appln/218/2025.

Mr. Abhijit S. More, Advocate for Applicant in Cri. Appln/260/2025.

Mr. Satej S. Jadhav, Advocate for Applicant in Cri. Appln/3160/2024
and Cri. Appln/4894/2024.

Ms. Sakshi A. Kale, Advocate h/f Mr. Ajeet B. Kale, Advocate for the
applicant in Cri. Appln/4957/2024.

Mr. C. V. Bhadane, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 29.01.2025

Pronounced on : 03.02.2025

ORDER :

1. These applications for suspension of sentence and grant of bail
during pendency of respective appeals are filed on the ground of

parity. Except Criminal Application Nos. 3160 of 2024 and 4894 of 2024, other applications are successive applications. Earlier applications filed by applicants seeking same relief was rejected by this Court by common order dated 10.05.2024.

2. Learned senior counsel/counsel for the applicants pointed out that, one of the co-accused, namely, Anup s/o Pravin Parekh, whose application was also rejected by the above mentioned common order dated 10.05.2024, had approached the Hon'ble Apex Court by filing Criminal Appeal No. 4520 of 2024 and the said appeal has been allowed by order dated 08.11.2024. While allowing the said appeal, it is submitted that, the Hon'ble Apex Court considered that sentence awarded is of five years; out of which 7 months is already undergone; and the appellant has shown his *bonafide* by depositing a sum of Rs.9,10,000/-.

3. Learned counsel further submitted that, the present applicants are similarly situated. Sentence awarded to them is also of five years and ten years respectively, out of which, they have already undergone more than 10 months imprisonment. Learned senior counsel Mr. Hon made a statement across the bar the properties of the applicants were even auctioned and as such, investors' amounts are already secured.

4. Learned counsel also invited attention to the orders of Division Bench of this court dated 22.10.2024 and submits that even some of the accused, who are sentenced to suffer imprisonment for life, are also beneficiaries of suspension of sentence and grant of bail.

5. Learned APP opposed the relief on the ground that these are successive attempts, and that there is no change in circumstances to warrant fresh re-consideration. Learned APP conceded that similarly placed accused have already been given benefit by the Hon'ble Apex Court, however he is concerned about recovery of amounts of various investors.

6. After considering the above submissions, it transpires that present applications are by accused persons who were tried for offence punishable under Sections 177, 406, 409 r/w 34, 420 r/w 34, 465, 467 r/w 471 r/w 34 and 120-B of IPC and Section 3 of the MPID Act respectively, vide Sessions (MPID) Case No. 323 of 2011 and by order dated 10.04.2024, they have been held guilty by learned Additional Sessions Judge, Ahmednagar and sentenced to suffer rigorous imprisonment for five years and ten years respectively.

7. Admittedly, previous attempt of the applicants, except applicants Dinkar and Harishchandra, to seek suspension of sentence and grant of bail was turned down by this Court. Said order is of 10.05.2024. Thereafter, another accused, namely Anup, seems to have approached Hon'ble Apex Court and his prayers seem to be granted by the Hon'ble Apex Court by order dated 08.11.2024. Statement is made across the bar that present applicants stand on equal footing as like such accused. Therefore, ground of parity has been pressed into service and present applications are put forth on the ground of change in circumstances. Consequently, though this Court initially rejected and refused the prayers, now, more than nine months have lapsed and similarly placed co-accused having become beneficiary of order of Hon'ble Apex Court, present applicants too deserve similar treatment. Accordingly following order is passed :

ORDER

- I. Criminal Applications stand allowed.
- II. The substantive sentence imposed on the applicants in Sessions (MPID) Case No. 323 of 2011 by the Additional Sessions Judge, Ahmednagar on 10.04.2024 stands suspended till the final hearing and disposal of the respective appeals filed by the applicants.

- III. The applicants be released on P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety each in the like amount.
- IV. The applicants shall not commit any criminal activity.
- V. The applicants shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicants to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file application for cancellation of bail granted to the applicants.
- VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]