



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

1026 CRIMINAL APPLICATION NO. 4106 OF 2024

IN

APPEAL/972/2024

PRATAP MADHUKAR MASKE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Giri Prashant Prabhakar

APP for Respondent/State: Mr. N. D. Batule

...

WITH

...

CRIMINAL APPLICATION NO. 2102 OF 2025

IN APPEAL/574/2024

ROOPSINGH CHATURSINGH TAK

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip

APP for Respondent/State: Mr. N. D. Batule

...

WITH

CRIMINAL APPLICATION NO. 3489 OF 2024

IN APEAL/573/2024

KRIPANSINGH HATYARSINGH TAK

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Gangakhedkar Shailendra S

APP for Respondent/State: Mr. N. D. Batule

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.07.2025

P.C. :

1. The present applications have been filed by the applicants for suspension of substantive sentence imposed on them in Special Case No.87/2020, dated 18.12.2023, by Special / Additional Sessions Judge, Parbhani.

2. The learned counsel appearing for the applicants submits that the applicants are behind bars for last six years and two months and maximum sentence of ten years is imposed on the applicants. The learned counsel relied upon para Nos. 6 and 8 of the judgment of Hon'ble Apex Court in the case of **Narcotic Control Bureau Vs. Lakhwinder Sing reported in 2025 SCC OnLine SC 366** and submits that in the case of fixed term sentence, when appeal is not likely to be heard before convict undergoes the entire sentence and when the convict has undergone a substantial part of sentence, the substantive sentence imposed on the convict can be stayed and convict can be released on bail. The learned counsel also relied upon the following cases :-

- a) **Atul Alias Ashutosh Vs. The State of Madhya Pradesh (2024) 3 SCC 663,**
- b) **Akash Nagesh Sonawane Vs. The State of Maharashtra, 2020 SCC OnLine Bom 10823,**

- c) **Ramnik Singh Vs. Intelligence Officer, Directorate of Revenue Intelligence, 2013 SCC OnLine Supreme Court 1276,**
- d) **Anil Arjun Mane Vs. State of Maharashtra, 2018 SCC OnLine Bom 5784 and**
- e) **Laxman Vs. State of Maharashtra, 2018 SCC OnLine Bom 5724.**

3. The learned counsel submits that in the offences under NDPS Act and MCOC Act, while convict has undergone the sentence substantially and appeal is pending for consideration, the convict can be released on bail.

4. The learned APP submits that the fine amounts are imposed on the applicants and the applicants have failed to deposit the fine amounts.

5. The learned counsel for the applicants submits that the applicants have been in jail for last more than 6 years and they have no means to deposit the fine amount and there financial conditions are also precarious, which is also noticed by the court while granting sentence.

6. The learned counsel has also relied upon the Judgment of this court in the case of **Ashvin Chinubhai Shah Vs. State of Maharashtra and another, dated 08.06.2023 in**

Interim Application No.744/2019 in Criminal Appeal No.1392 of 2019 and also in the case of **Central Bureau of Investigation Vs. Ashok Sirpal, 2024 SCC OnLine 3036**, more particularly at paragraphs no.6 and 8, wherein the learned counsel has pointed out that along with substantive sentence, fine amount can also be suspended with or without conditions.

7. Considering that the applicants has undergone for up to 6 years imprisonment and the maximum punishment awarded is 10 years, the substantive sentence and the fine amount can be suspended on the condition that the applicants shall report to the concerned police station once in 3 months.

8. Considering the above, I pass the following order :

ORDER

i] Criminal Applications are allowed.

ii] The substantive sentence and the fine imposed on the applicants in Special Case No.87/2020, dated 18.12.2023, by the Special / Additional Sessions Judge, Parbhani stands

suspended till the final hearing and disposal of Criminal Appeals.

iii] The applicants be released on bail on furnishing P.R.bond of Rs.20,000/- each with one or two sureties in the like amount to the satisfaction of the trial court.

iv] Bail before the trial Court.

v] The applicants shall attend the concerned Police Station once in 3 months till final hearing and disposal of the respective appeals.

vi] The applicants shall not involve themselves in similar offences else this order would be re-called.

[ARUN R. PEDNEKER]
JUDGE

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