

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

28 CRIMINAL APPLICATION NO. 3701 OF 2025
IN APEAL/698/2025

Gautam Bhagwan Aadmane

VERSUS

The State Of Maharashtra

...

Mr. Prashant P. Giri a/w Mr. Yogesh G. Kasod - Advocate for Applicant
Mr. G. A. Kulkarni - APP for State

...

CORAM : NEERAJ P DHOTE, J.

DATED : 06TH OCTOBER, 2025

PER COURT : -

1. This is an Application for Suspension of Substantive Sentence awarded to the Applicant by the learned Spl./Addl. Sessions Judge, Parbhani, vide the Judgment and Order dated 18.12.2023 passed in Special Case No. 87 of 2020, whereby the Applicant and Co-convicts have been convicted for the offence punishable under Section 3 (1) (ii) of Maharashtra Control of Organized Crime Act, 1999 and sentenced to suffer rigorous imprisonment for 10 (Ten) years and fine of Rs.5,00,000/- (Rs. Five Lacs only), in default, he was further sentenced to suffer rigorous imprisonment for Two (2) years, Section 3 (4) of Maharashtra Control of Organized Crime Act, 1999 and sentenced to suffer rigorous imprisonment for 10 (Ten) years and fine of Rs.5,00,000/- (Rs. Five Lacs only) in default, he was further sentenced to suffer rigorous imprisonment for Two (2) years, Section 394 read

with 34 of Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 (Ten) years and fine of Rs.25,000/- (Rs. Twenty-five Thousand only), in default, he was further sentenced to suffer rigorous imprisonment for Two (2) years, and Section 75 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for Two (2) years more in addition to above. In addition to the above sentences, the sentences of 10 [ten] years were directed to be run concurrently.

2. It is submitted by the learned Advocate for the Applicant/Appellant that, the co-convicts, Pratap Madhukar Maske, Kirpansingh Hatyarsingh Tak and Roopsingh Chatur Singh Tak have been released on bail after suspension of their sentence by this Court *vide* order dated 10.07.2025 passed in Criminal Applications No. 4106 of 2024, 2102 of 2025 and 3489 of 2024, respectively. He submits that, though the sentence imposed upon the Applicant/Appellant goes to 12 years [10 years + 2 years], he has undergone half of the sentence. He submits that, on the ground of parity, the Application may be allowed.

3. Learned APP for the State opposes the Application. He submits that, the Applicant be directed to deposit the fine and further, stringent conditions be imposed upon the Applicant if this Court is inclined to allow the Application on the ground of parity.

4. There is no dispute in respect of the sentence imposed by the learned Sessions Court upon the Applicant/Appellant, which is a term sentence. The copy of order of this Court dated 10.07.2025 annexed to this Application, shows that the sentence of the co-convicts has been suspended on the ground that they have undergone upto six (6) years imprisonment out of the maximum punishment imposed. Even if the additional sentence of two (2) years is added to the term sentence of ten (10) years awarded to the Applicant/Appellant, undisputedly, the Applicant has undergone sentence for six (6) years, six (6) months and some days, which is more than half of the sentence imposed on him. In this view of the matter, I proceed to pass the following order: -

ORDER

- [i] The Application is allowed.
- [ii] The sentence imposed upon the Applicant by the learned Spl./Addl. Sessions Judge, Parbhani, *vide* the Judgment and Order dated 18.12.2023 passed in Special Case No. 87 of 2020, is hereby suspended till the final decision of the Appeal. In the meantime, the Applicant be released on bail on his furnishing personal bond of Rs.20,000/- [Rupees Twenty Thousand], with one or two sureties in the like amount.

- [iii] The Applicant shall attend the concerned Police Station once in a three (3) months till the disposal of the Appeal.
- [iv] The Applicant shall not involve himself in any of the offence.
- [v] The Applicant shall cooperate in early disposal of the Appeal.
- [vi] Bail before the Trial Court.

[NEERAJ P. DHOTE]
JUDGE

SG Punde