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This order is corrected by speaking to the minutes order dated 31.01.2025

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

**CRIMINAL APPLICATION NO.3784 OF 2024
IN
CRIMINAL APPEAL NO.812 OF 2024**

Dhanaji Pandurang Shinde
and 3 others

... Applicants

Versus

The State of Maharashtra

... Respondent

WITH

**CRIMINAL APPLICATION NO.342 OF 2025
IN
CRIMINAL APPEAL NO.842 OF 2024**

Anil Krishna Suvarna

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr. Manav, Advocate (through V.C) h/f Mr. S.H. Jadhav, Advocate for
Applicant in Cri. Application No.3784/2024

Mr. Rameshwar Bhagwat, Advocate h/f Mr. R.B. Gite, Advocate for
Applicant in Cri. Application No.342/2025

Mr. V.M. Jaware, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 JANUARY 2025

PRONOUNCED ON : 30 JANUARY 2025

ORDER :

1. Present applications are filed for suspension of sentence and grant of bail on account of conviction recorded by the learned Additional Sessions Judge, Court No.5, Dhule dated 09.08.2024, in Sessions Case No.126 of 2018.

2. Learned counsel for applicant in Criminal Application No.3784/2024, submits that applicant was tried for commission of offences punishable under Sections 395, 342 read with Section 120(B) of the Indian Penal Code (IPC), and trial was conducted vide Sessions Case No.126 of 2018. That, applicant has been convicted along with others for above sections/offences, and awarded sentence to suffer rigorous imprisonment for 10 years and to pay fine of Rs.5,000/-. That, against the said judgment and order of conviction, appeal has been preferred before this Court, which is bearing No.812/2024. Learned counsel pointed out that, similarly placed accused namely Sanjay Amrutlal Patel has been given the benefit of suspension of sentence and bail by the Hon'ble Apex Court by its order dated 16.12.2024. Therefore, on the ground of parity, learned counsel prays for similar relief of suspension of sentence and for grant of bail.

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3. Learned counsel for applicant in Criminal Application No.342/2025 submits that even this applicant was also tried and convicted for commission of above offences, and vide judgment and order dated 09.08.2024, he is also held guilty and sentenced to suffer rigorous imprisonment for 10 years and fine of Rs.5,000/-. That, against the said judgment and order of conviction, appeal has been preferred before this Court, which is bearing No.842/2024. He also seeks relief similar relief on the ground of parity.

4. The above applications are opposed by learned APP on the ground that, on full fledged trial, they are held guilty for offence punishable under Sections 195, 342 read with Section 120(B) 353 of IPC. Therefore, learned APP prays for rejection of application.

5. After considering the submissions of both sides and on going through the papers, it seems that both the above applicants were tried and convicted in Sessions Case No. 126 of 2018 by judgment and order dated 09.08.2024. Learned Additional Sessions Judge, Dhule was pleased to accept the prosecution case recording guilty of applicants for offences punishable under Sections 395, 342 read with Section 120(B) of IPC, and they are sentenced to suffer ten years imprisonment and to pay fine. It seems that they have preferred separate appeals before this

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Court and the same are numbered as 842 of 2024 and 812 of 2024, respectively. As there are no immediate prospects of hearing of both appeals, and when co-accused given benefit of suspension of sentence and bail by the Hon'ble Apex Court, there is no reason to refuse the similar relief to the present applicants. Accordingly, both applications succeed. Therefore, the following order is passed:-

ORDER

- (I) Criminal Applications stand allowed.
- (II) The substantive sentence imposed on the applicants Anil Krishna Suvarna, Dhanaji Pandurang Shinde, Anil Shankar Vetel, Kasim Abdul Shaikh and Hasmit @ Gopal Bhikabhai Patel, in Sessions Case No.126 of 2018 by learned Additional Sessions Judge, Court No.5, Dhule on 09.08.2024 stands suspended till the final hearing and disposal of Criminal Appeal Nos.842 of 2024 and 812 of 2024.
- (III) The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with two solvent sureties 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 appeals, commencing from the date they tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

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(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 an application for cancellation of bail granted to the applicants.

(VII) Bail before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane