

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3682 OF 2024
IN
CRIMINAL APPEAL NO. 834 OF 2025

Sanjay @ Lakhani Gokul Pardeshi Applicant

Versus

The State of Maharashtra Respondent

Adv. Praful Suryakantrao Potdar, Advocate for the Applicant.
Ms. Veera Shinde, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd DECEMBER, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.
2. The Applicant has been convicted by the learned Special Judge (MCOCA), Solapur for the offences punishable under Sections 394 of the Indian Penal Code, 1860 (for short, “IPC”) and sentenced to suffer Rigorous Imprisonment (for short, “RI”) for 7 years and to pay fine of Rs.1000/- in default to undergo further imprisonment for one month. He also convicted under Section 341 of the IPC and

sentenced to pay fine of Rs.500/- in default to undergo imprisonment for 15 days. He also convicted under Section 452 of the IPC and sentenced to suffer RI for three month years and to pay fine of Rs.1000/- in default to undergo further imprisonment for one year. The Applicant has been convicted for the offences punishable under Sections 3(1)(ii) of the Maharashtra Control of Organised Crime Act, 1999 (for short, “MCOC Act”) and sentenced to suffer RI for seven years and to pay fine of Rs.5,00,000/- in default to undergo further imprisonment for twelve months. He also convicted under Section 3(4) of the MCOC Act and sentenced to suffer seven years and to pay fine of Rs.5,00,000/- in default to undergo further imprisonment for twelve months.

3. It is contention of learned counsel for the Applicant that the Applicant is behind bar for more than five years out of seven years sentence imposed on him. He has completed half of the sentence imposed on him, hence requested to allow the application.

4. Learned APP for the Respondent – State strongly objected to allow an application on the ground that the Applicant is habitual offender. If the Applicant is released on bail, he may abscond. Hence, requested to reject the application.

5. I have heard both learned counsel.
6. The sentence imposed on the Applicant is seven years. The Applicant is behind bar for more than five years out of seven years. He has completed half of the sentence imposed on him. It may take time to conclude the trial. Considering these facts, I pass following order:

ORDER

- i. The substantive sentence imposed on the Applicant in MCOCA Case No.60 of 2021, in terms of order dated 4th February, 2022, passed by the learned Special Judge, Solapur, is suspended till final disposal of the appeal.
 - ii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
 - iii. The bail bond to be furnished before the trial Court.
 - iv. Criminal interim application stands disposed off.
7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)