

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4661 OF 2024
IN
CRIMINAL APPEAL NO. 1185 OF 2024

Maruti Shivaji Sarade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Vagal a/w Mr. Salman Pathan & Mr. Sanket Salunkhe for the Applicant.

Mrs. Kranti T. Hiwrale, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
DATE : 15th APRIL, 2025

P.C. :

1. Heard learned Counsel for the parties.
2. By this interim application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final

disposal of his aforesaid appeal.

3. The applicant, vide Judgment and Order dated 13th September, 2024, passed by the learned Special Judge under the MCOCA Pune, in Special MCOCA Case No. 12 of 2017, has been convicted alongwith other co-accused, for the offences punishable under Sections 395 of the Indian Penal Code and Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999. For both the offences, the applicant has been sentenced to suffer life imprisonment and to pay fine of Rs.10,00,000/-. Both the sentences were directed to run concurrently.

4. Perused the papers. The prosecution case rests essentially on circumstantial evidence i.e. confessional statement of co-accused No. 8 - Satish Ethape and accused No.10 – Priyanka Ethape recorded under the MCOCA. In addition, there is an alleged recovery of Rs.20,000/- at the instance of the applicant. The applicant is in custody for about 8 years and five months from the date of his arrest

i.e. from 9th November, 2016. Admittedly, co-accused Satish Ethape and co-accused Priyanka Ethape who allegedly made the confessional statement recorded under Section 18 of the MCOCA have been released on bail.

5. Learned Counsel for the applicant has tendered an affidavit of the applicant, duly affirmed before the Jailor of Yerwada Central Prison dated 11th April, 2025. In the said affidavit, the applicant has stated that he will abide by all the terms and conditions as may be imposed by this Court, in the event he is enlarged on bail. He has prepared a chart of pending cases against him in different Court i.e. six cases. He has further undertaken to furnish his address/addresses and contact numbers to the concerned Police Station. He has also undertaken to attend the Trial Court regularly where the six cases are pending against him. An undertaking is also given by the applicant that he will not delay the trial and will attend the Trial Courts on the dates given by the Trial Court. The said affidavit is taken on record and marked 'X' for identification.

6. It is not in dispute that for the offence punishable under Section 395, the minimum sentence is 10 years, whereas, the minimum sentence for the offences punishable under Sections 3(1)(ii), 3(4) of the MCOCA is 5 years. The applicant has already undergone 8 years and 5 months of imprisonment.

7. Considering what is stated aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his appeal, on the following terms and conditions;

ORDER

i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two local solvent sureties in the like amount;

ii) The applicant shall report to the Yavat Police Station, Pune, on the first Saturday of every month,

pending the hearing and final disposal of his aforesaid appeal;

(iii) The applicant to abide by his undertaking i.e. of attending all the cases pending against him before different Courts;

(iv) The applicant shall keep the trial Court as well as Yavat Police Station informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.