

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1565 OF 2025
IN
CRIMINAL APPEAL NO. 1185 OF 2024

Sachin Appaa @ Appasaheb @ Bhausahab ...Applicant
Ethape

Versus

State of Maharashtra

...Respondent

Mr. Aniket Vagal a/w Mr. Sanket Salunke, Ms. Juhi Kadu, Ms. Savvy Kolhekar, Mr. Kunal N. Pednekar i/b Salman Khan, for the Applicant.

Ms. Kranti T Hivrale, APP, for the Respondent-State.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 6th AUGUST 2025.

PC:-

1. Heard Mr. Aniket Vagal, learned counsel appearing for the Applicant/Appellant. Also heard Ms. Kranti Hivrale, learned APP appearing for the Respondent-State.

2. The applicant herein, alongwith nine others, were arrayed as accused persons in connection with C.R. No.622 of 2016 registered with Yavat Police Station, Pune, *inter alia* for the offences

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punishable under Sections 395 of the Indian Penal Code ('IPC') r/w Sections 3(1)(ii), 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ('MCOC Act'). On conclusion of trial, the applicant herein, who was the accused No.1, was convicted alongwith the accused Nos. 3, 5 and 6 for committing offence under Section 395 of the IPC alongwith Sections 3(1)(ii), 3(4) of the MCOC Act and was sentenced to imprisonment for life and also to pay fine of Rs.10,00,000/- each.

3. Assailing the judgment and order of conviction dated 13th September, 2024, passed by the learned Special Judge under MCOC Act and Additional Sessions Judge, Pune, in connection with Special MCOC Case No. 12 of 2017, the applicant, as appellant, has preferred Criminal Appeal No. 1185 of 2024, which is pending disposal before this Court.

4. The applicant is in jail since 5th November, 2016. By filing the instant application, the applicant has approached this Court seeking an order under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita ('BNSS') (Section 389 of the Code of Criminal Procedure ('Cr.PC.'), for suspension of his jail sentence and also for his release on bail.

5. By invoking the principle of parity, Mr. Vagal, learned Counsel for the applicant, submits that the original accused Nos. 5 and 6, who are standing on equal footing with the present applicant, insofar as the evidence available on record is concerned,

have already been enlarged on bail by this Court and, therefore, the present is a fit case wherein, by applying the principle of parity, the present applicant be also released on bail.

6. In support of his above argument, Mr. Vagal has brought to our notice two orders dated 15th April, 2025 (Coram:Revati Mohite Dere & Dr. Neela Gokhale, JJ.) passed in Interim Application No. 4662 of 2024 and 4661 of 2024, both arising out of Criminal Appeal No. 1185 of 2024, whereby the accused Nos. 5 and 6 had been granted bail by this Court.

7. After a cursory review of the material on record, we find that the evidence brought against the original accused Nos. 5 and 6 is same as that adduced against the present applicant (accused No. 1).

8. Ms.Kranti Hivrale, the learned APP, has also submitted in her usual fairness that although the applicant has been convicted of serious offence, yet, it cannot be denied that the principle of parity would have a bearing in the outcome of the present application.

9. Considering the facts of the case and by applying the principle of parity, we are of the unhesitant opinion that the applicant herein, viz., Sachin Appaa @ Appasaheb @ Bhausahab Ethape stands on equal footing and, therefore, he deserves to be released on bail on similar terms and conditions as have been made applicable in the case of the original accused Nos.5 and 6.

10. We, accordingly, direct that the applicant-Sachin Appaa @ Appasaheb @ Bhausahab Ethape be released on bail, subject to the following conditions;

ORDER

(a) The applicant- Sachin Appaa @ Appasaheb @ Bhausahab Ethape shall be released on bail in connection with Special MCOC Case No. 12 of 2017 (C.R. No.622 of 2016 registered with Yavat Police Station, Pune) on furnishing P .R. bond of the sum of Rs.50,000/- with one or two local solvent sureties in the like amount, to the satisfaction of the learned Trial Court.

(b) The applicant shall report before the Yavat Police Station, Pune, on the first Saturday of every month until final hearing and disposal of the connected criminal appeal.

(c) The applicant shall maintain good behaviour and desist from any anti social activity during the currency of the bail order.

(d) The applicant shall also submit an affidavit before the learned Trial Court, at the time of furnishing his surety, to the effect that he will abide by

all the terms and conditions imposed by the Court for releasing him on bail.

(e) The Applicant shall ensure due representation before this court as and when the connected appeal is taken up for hearing.

11. We make it clear that any violation of the conditions of bail imposed by this Court will be viewed seriously and may invite consequential orders including an order of cancellation of bail.

12. With the above observations, the Interim Application is allowed and stands disposed of .

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)