

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRI-INTERIM APPLICATION NO. 4975 OF 2024
IN
CRIMINAL APPEAL NO. 767 OF 2018**

Nitin Hari Jagdale ...Applicant
Versus
State Of Maharashtra And Anr ...Respondents

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Mr. Nitin Gaware Patil (Through VC) a/w. Mr. Abhang
Suryawanshi, Advocate for the applicant.

A. A. Naik, APP for the respondents-State.

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**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 29th JANUARY, 2026.

P.C:

1. Heard.
2. This is an application for suspension of substantive sentence of rigorous imprisonment for life, imposed upon the applicant by the learned Additional Sessions Judge, Malshiras in Sessions Case No.2 of 2016 for the offences punishable under sections 302 r/w 149, 143, 147, 120 B, and 506 r/w 149 of the Indian Penal Code.
3. The application is urged on the ground of parity,

inasmuch as co-convicts namely Pintu Mohite and Balya Koli have been granted similar relief.

4. The learned A.P.P. sought to distinguish the role attributed to the present applicant from that of the two co-convicts who have been granted relief. The distinction sought to be made appears to be superficial, for the reason that the evidence of PW-6 Vikram Kamble, an eye-witness to the incident, reads thus:

21. From the evidence of Pw-6 Vikram Kamble following substantive evidence come on record. Accused Dashrath Mane, Sachin Jadhav, Balya Koli, came at the scene of occurrence on one motorcycle. Accused Dashrath Mane was driving first motorcycle and Sachin Jadhav and Balya Koli were pillion rider.

5. Perusal of the aforesaid evidence would indicate that the role attributed to Pintu Mohite and Balya Koli is similar to the role attributed to the present applicant. Moreover, the applicant has been behind bars for a little over eight years. The appeal is not likely to be taken up for hearing in the near future. Mainly on the ground of parity, we are inclined to allow the application. The application is, therefore, allowed in terms of the following order;

: ORDER :

(a) The substantive sentence imposed on the applicant by the learned Additional Sessions Judge, Malshiras in Sessions Case No.2 of 2016 vide judgment and order dated 26th April, 2018 shall remain suspended till the final disposal of Criminal Appeal No.767 of 2018.

(b) The applicant be released on furnishing a P.R bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand only) with one or more solvent sureties in the like amount.

(c) Bail before the Trial Court.

(d) The applicant shall not enter Malshiras Taluka, District Solapur for two years and shall mark his presence at Akluj Police Station once in a month i.e on the first day of each month by 12 noon.

6. The application stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT J.]