

Salgaonkar

MANDIRA MILIND
SALGAONKAR

THE HON'BLE JUDGE BY MANDIRA
SALGAONKAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1422 OF 2025
IN
CRIMINAL APPEAL NO.191 OF 2023

Ajay Namdeo Gandhile

.. Applicant

Versus

State of Maharashtra

.. Respondent

...

Mr.Anush Shetty i/b Dr.Yug Mohit Chaudhary for the Applicant.

Mr.Tanveer Khan, A.P.P. for the State/Respondent.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATE : 18th FEBRUARY, 2026

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P.C:-

1. In Criminal Appeal No.191 of 2023, Accused-Ajay Namdeo Gandhile has taken out Interim Application No.1422 of 2025, seeking suspension of sentence imposed on him under the impugned judgment dated 29th/30th August, 2016 passed in Sessions Case No.834 of 2014 and his release on bail.

The said Application is lodged through Prison Officer, Open District Prison, Morshi, District Amravati, as the Appeal filed by the Appellant seeking reversal of the impugned judgment is pending before the Court.

2. The learned counsel for the Applicant would submit that the said Appeal is already admitted, but the Appellant being tried as Accused No.1, is in jail since 19/08/2014. The Appeal was tagged alongwith the Appeal of co-accused-Sanjay Namdeo Gandhile i.e. Criminal Appeal No.148 of 2017, which is also admitted.

Our attention is invited to the order passed by the Apex Court in case of co-accused, Sanjay Namdeo Gandhile, who approached the Apex Court through Special Leave Petition (Criminal) Diary No.51296 of 2025, being aggrieved by the rejection of his application for suspension of sentence and grant of bail by the High Court, while the Criminal Appeal filed by him was pending.

3. The Apex Court on 28/01/2026, taking into consideration the inconsistencies in the evidence of PW 4 and PW 5, noted that the High Court has set aside the same as the minor contradictions and though Their Lordships, did not intend to render any finding on the same as the Appeal was pending before the High Court, considering the fact that the appellant has been in prison for more than 10 years (without remission) and 17 years (with remission) and considering that the chances of Appeal being taken up and disposed of by the

High Court in the near future being very bleak, the appeal was allowed and the sentence imposed on co-accused Sanjay Namedo Gandhile was directed to be suspended with a direction for his release on bail on such terms and conditions, which the jurisdictional High Court will impose.

In compliance thereof, by passing a separate order, we have fixed the terms and conditions of release of co-accused Sanjay Namdeo Gandhile and he is released on bail.

4. The learned counsel for the present Applicant would draw parity with the said order of the Apex Court dated 28/01/2026, as according to him, the present Applicant i.e. Accused No.1-Ajay Namdeo Gandhile is similarly situated, as he has also put more than 10 years in prison without remission and 17 years with remission. The Appeal arising out of the common judgment deserve to be heard together, and according to the learned counsel for the Applicant, the observations of the Apex Court in paragraph 5 of the order dated 28/01/2026 would apply with equal force to the present Applicant.

5. We had called upon the learned Additional Public Prosecutor Mr.Tanveer Khan to ascertain whether the claim of parity by the present Applicant is sustainable in light of the

observations of the Hon'ble apex Court in its order dated 28/01/2026 and Mr.Khan would submit that the evidence on the basis of which the conviction and sentence was imposed on both the accused is common. He also does not deny that the present Applicant is incarcerated for more than 10 years.

6. In the wake of the aforesaid, for the very same reasons, which are recorded by the Apex Court in its order dated 28/01/2026 while releasing co-accused-Sanjay Namdeo Gandhile (Appellant in Cri.Appeal No.148 of 2017) on bail by suspending the sentence imposed upon him, we pass the following order.

:ORDER :

- (a) Interim Application No.1422 of 2025 is allowed.
- (b) During the pendency of Cri.Appeal No.191 of 2023, the sentence imposed on the Applicant-Ajay Namdeo Gandhile vide Judgment dated 29th/30th August, 2016 in Sessions Case No.834 of 2014 is suspended.
- (c) Applicant-Ajay Namdeo Gandhile is directed to be released on bail, on furnishing P.R.Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (d) The Applicant shall mark his attendance before Oshiwara Police Station in the first week of every month and

the concerned Police Station In-charge shall record his presence.

(e) The Applicant shall not leave jurisdiction of the Bombay High Court without prior permission of this Court.

(f) The Applicant shall make himself available during the hearing of the Appeal.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)