

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1889 OF 2025****IN****CRIMINAL APPEAL NO. 545 OF 2025**

- 1) Nayan Suresh Shinde &
 - 2) Avinash Pralhad Sawant
-Applicants

Vs.

State Of Maharashtra

.....Respondent

Mr. Pratik Kalantri a/w Adv. Deepali Kasat for the Applicants.
Smt. Madhavi H. Mhatre APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**
DATE : 4th MARCH, 2026.

PC.:-

1) This is an Application for suspension of sentence and releasing the Applicants i.e. Original Accused Nos.3 and 4 on bail, during the pendency of the Appeal.

2) Perusal of record indicates that, the co-accused (A-2) Naresh Donde has been released on bail by this Court by an Order dated 13th February, 2026.

3) Further perusal of record and in particular the evidence of PW No.3, an eye-witness indicates that, the role attributed to (A-2) Naresh

Donde and the present Applicants is same and/or similar i.e. assault to deceased-Ritesh with fist and kick blows. Applicants therefore are entitled to claim parity with co-accused Naresh Donde.

4) Learned APP after perusing the record fairly conceded to the fact that, the Applicants are entitled to claim parity with the co-accused (A-2) Naresh.

5) In view of the above, we are inclined to suspend the substantive sentence imposed upon the Applicants and release them on bail, during the pendency of the Appeal.

5.1) Hence, the following Order-

- (i) During the pendency of the Appeal, the substantive sentence imposed upon the Applicants is suspended.
- (ii) Applicants be released on bail in Sessions Case No.263 of 2019 arising out of C.R. No.73 of 2019 registered with Indiranagar Police Station, Nashik on their furnishing separate P.R. bond of Rs.50,000/- with one or more solvent local sureties in the like amount.
- (iii) After their release from Jail and during the pendency of the present Appeal, the Applicants shall attend Indiranagar Police Station, District Nashik on every first Monday of the month between 10:00 am and 12:00

noon initially for a period of one year.

After end of one year, the Applicants shall attend Indiranagar Police Station, District Nashik on every first Monday of the every 3rd Month between 10:00 am and 12:00 noon. The Applicants thus shall attend Indiranagar Police Station, District Nashik four times in a year during the pendency of the present Appeal.

(iv) In case of two consecutive defaults in complying with the aforestated conditions, the Prosecution is at liberty to file an application for cancellation of bail.

6) Interim Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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