

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1915 OF 2025

IN

CRIMINAL APPEAL NO.806 OF 2023

BHALCHANDRA
GOPAL
DUSANE

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1. Vaibhav @ Babya Madhukar Kadam ...Applicants
2. Mannu Damarsing Vishwakarma
3. Sachin @ Sachya Namdev Masal

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Abhaykumar Apte for Applicants.

Mr. Rishikesh M. Pethe, APP for State-Respondent.

CORAM: R.M. JOSHI, J.

DATE : 24th FEBRUARY 2026.

P.C.:

1. This Application is for suspension of sentence and enlargement of the Appellants on bail in connection with the Judgment and Order dated 30th May 2023 passed in Sessions Case No.317 of 2017 wherein the Appellants alongwith Co-accused were sentenced to suffer imprisonment of 6 years with fine of Rs.3,000/- each, for the offence punishable under Section 395 of the Indian Penal Code.

2. Learned Counsel for the Applicants submits that identically placed Accused has been granted bail by this Court by Order dated 18th January 2024 passed in Interim Application No.2601 of 2023 in Criminal Appeal No.806 of

2023. It is his submission that the present Applicants have already undergone more than 50% of the sentence imposed against them and hence, this is a fit case for suspension of sentence and enlargement on bail.

3. Learned APP opposed the Application contending that the co-Accused was granted bail as out of 6 years of sentence, he had undergone 5 years and 2 months. It is also submitted that the Applicants have criminal history behind them and if enlarged on bail, they are likely to commit similar offences.

4. In view of above facts the Applicants have been handed over short term sentence i.e. of 6 years. As per the report of the jail authority, one of the Applicants has undergone 4 years sentence and other 3 years and 11 months out of total period of sentence imposed against them. Apart from this, it is pertinent to note that the role alleged against the present Applicants and co-Accused enlarged on bail is similar, so also all of them are having criminal history behind them.

5. Having regard to these facts, this Court finds no justification for denial of the bail to the Applicants as the Appeal is not likely to be heard in short period of time. Hence, the Application stands allowed. Hence, the Order :

ORDER

(I) The Interim Application stands allowed.

- (ii) Substantive sentence awarded against the Applicants in Sessions Case No.317 of 2017 stands suspended till decision of the Appeal.
- (iii) The Applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.30,000/- each with one or more solvent sureties in the like amount.
- (iv) Bail before the Trial Court.
- (v) The Applicants to mark their presence before the concerned Police Station on first day of each month, till decision of Appeal.
- (vi) It is clarified that if the Applicants are found to be involved in any other offence, during the pendency of the Appeal, this Order shall stand vacated forthwith.

[R.M. JOSHI, J.]