



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2569 OF 2024
IN APPEAL/565/2024**

Vishal Rangnath Wagh
Age: 35 yrs., Occu.: Service,
R/o. Sukhshantinagar,
Jalna, Tq. & Dist.Jalna.

..Applicant

Versus

The State of Maharashtra
Through Sadar Bazar,
Jalna,

..Respondent

...

Advocate for Applicant : Mr. Prashant Gopalrao Borade
APP for Respondent : Mrs.Chaitali Choudhari - Kutti

....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 28 JUNE, 2024

PER COURT :-

1. This is an application for suspension of sentence and grant of bail in consequence of judgment and order passed by the learned Additional Sessions Judge, Jalna dated 31-05-2024 in Sessions Case No.265 of 2021.

2. In support of relief, learned Counsel for the applicant points out that accused applicant has been sentenced to suffer rigorous imprisonment for three years and simple imprisonment for six

months for offence under Sections 498-A and 323 of the Indian Penal Code respectively. He further submits that during trial, applicant was on bail and fine amount has already deposited. That appeal has been preferred and same is numbered as Criminal Appeal No.565 of 2024 and it would take long time to be heard and decided. Therefore, he prays for above relief.

3. Learned APP opposed the application and submitted that on full-fledge trial, conviction has been recorded. She also points out that compensation has been awarded by the trial Court. Hence, she prays to reject the application.

4. After hearing submissions of both the sides and considering the quantum of sentence awarded as well as the fact that applicant was on bail during the trial, relief as prayed deserves to be granted. Accordingly, I proceed to pass following order :

ORDER

(I) Criminal Application stands allowed.

(II) The substantive sentence imposed on the applicant in Sessions Case No.265 of 2021 by the learned Additional Sessions Judge, Jalna on 31-05-2024 stands suspended till the final hearing and disposal of Criminal Appeal No.565 of 2024.

(III) The applicant Vishal Rangnath Wagh be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.

(IV) The applicant shall not commit any criminal activity.

(V) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

(VI) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.

(VII) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE