



IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3992 OF 2024  
IN  
CRIMINAL APPEAL NO.855 OF 2024

Ashok S/o. Ganpat Marakwad,  
Age : 53 years, Occu. : Hotel Business,  
R/o. Sarafa Galli, Bhokar, Tq. Bhokar,  
Dist. Nanded.

... Applicant.

Versus

The State of Maharashtra,  
Through Police Inspector,  
Police Station, Bhokar,  
Dist. Nanded.

... Respondent.

....  
Mr. Santosh C. Bhosle, Advocate for Applicant.  
Mr. S. K. Shirse, APP for Respondent – State.  
....

**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 23<sup>rd</sup> SEPTEMBER, 2024**

**PER COURT :-**

1. In instant application, prayers are raised for suspension of sentence and grant of bail by virtue of conviction recorded by learned Additional Sessions Judge and Special Judge, Bhokar dated 12.09.2024 convicting applicant under section 135 of the Indian Electricity Act.

2. Learned counsel pointed out that, applicant was tried by Special Judge, Bhokar vide Special Case MSEB No.01 of 2019 and finally

held guilty for commission of offence punishable under section 135 of Indian Electricity Act. He pointed out that, sentence awarding is only one month. That, Appeal has been preferred against said conviction and as it would take long time to be heard and decided, he prays for relief of both, suspension of sentence and grant of bail. He also emphasized that applicant was on bail during trial.

3. Learned APP submits that appropriate order be passed.

4. After considering the submissions, on account of charge under section 135 Indian Evidence Act, Special Judge, Bhokar seems to have held applicant guilty for said charge and he is sentenced for one month imprisonment and to pay fine. Appeal against the same is preferred and is of 2024. Considering the nature of allegations and quantum of sentence, relief as prayed deserves to be granted. Hence, the following order :-

### **ORDER**

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Ashok S/o. Ganpat Marakwad in Special Case MSEB No. 01 of 2019 by the learned Additional Sessions Judge and Special Judge, Bhokar, Dist. Nanded on

12.09.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.855 of 2024.

- (iii) The applicant 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, J. )