



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5006 OF 2024
IN
CRIMINAL APPEAL NO. 1055 OF 2024

1. Rushikesh S/o. Kishor Vidhate,
Age : 22 Years, Occu. : Education,
2. Sandip S/o. Bhausahab Vidhate,
Age : 35 Years, Occu. : Pvt. Service,
3. Narendra S/o. Bhausahab Vidhate,
Age : 38 Years, Occu. : Agriculture,
All R/o. Babulkheda, Tq. Newasa,
Dist. Ahmednagar.

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra & Another

... Respondent

.....

Mr. N.B. Narwade, Advocate for the Applicants.

Mr. D.R. Korde, APP for Respondent.

Mr. R.K. Khandelwal, Advocate for Respondent No.2 (Appointed
Through Legal Aid).

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CORAM : ABHAY S. WAGHWASE, J.

Date : 18.12.2024

ORDER :

1. The present application is not on board. Taken on board.
2. This is an application for suspension of sentence and grant of bail, as a result of conviction recorded by learned Additional

Sessions Judge, Newasa, in Special Case No.152/2021, dated 25.11.2024, for offence punishable under Section 323 r/w. 34 of the Indian Penal Code (hereinafter shortly referred to as “IPC”).

3. Learned counsel for the applicants pointed out that, applicants were tried for above charges and was finally held guilty by order dated 25.11.2024. That, appeal has preferred against the same and it is numbered as Criminal Appeal No.1055/2024 and same is pending. Learned counsel further pointed out that, during trial, applicant was on bail. Fine amount is already paid and moreover, according to him, even after sentence, learned trial court was pleased to extend the benefit of suspension, but only till 25th December of this month. According to him, as there are bright chances in success in appeal, he prayed for relief of suspension and grant of bail.

4. Learned APP for the State as well as learned counsel for original complainant, appointed by legal aid, both opposed the present application on ground that, on complete appreciation of evidence, learned trial court had recorded guilt as offence is proved. However, learned counsel for original complainant concedes that, learned trial court was pleased to extend benefit of suspension and bail till 25th December of this month.

5. Taking the above material into consideration that, as there are no immediate prospects of hearing the appeal in near future and also considering the quantum of sentence and nature of offence, relief as prayed deserves to be granted.

ORDER

- i) Criminal Application No.5006/2024 is allowed.
- ii) The substantive sentence imposed on applicant No.1 Rushikesh S/o. Kishor Vidhate, applicant No.2 Sandip S/o. Bhausahab Vidhate and applicant No.3 Narendra S/o. Bhausahab Vidhate, by learned Additional Sessions Judge, Newasa in Special Case No.152/2021 on 25.11.2024, stands suspended till final hearing and disposal of Criminal Appeal No.1055/2024.
- iii) The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one solvent surety each in the like amount.
- iv) The applicants shall not commit any criminal activity.
- v) The applicants 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 applicants 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 bail granted to the applicant.

vii) Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

ASD