



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 195 OF 2025
IN
CRIMINAL APPEAL NO. 35 OF 2025

Agatrao s/o Achyutrao Watane,
Age:- 50 Years, Occ. : Driver,
R/o Malkaranja, Tq. Kallamb,
Dist. Osmanabad.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Killari Police Station,
Tq. Ausa, Dist.- Latur.

... Respondent

....

Mr. Rahul P. Cheble, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent – State.

....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 15 JANUARY 2025

PER COURT :-

1. Not on board. Upon mentioning 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, Latur under sections 304-II, 279, 337, 338 and 427 of Indian Penal Code (IPC).
3. Learned counsel for applicant submits that, applicant was tried for above offences vide Sessions Case No.100 of 2019. That, by

judgment and order dated 16.12.2024, he is held guilty and is sentenced to suffer rigorous imprisonment for three years. He further submitted that, during trial applicant was on bail. That, fine amount is already paid. Learned counsel further submitted that, applicant is challenged the said judgment and order by filing criminal appeal, it being of 2025 and it would take long time to be heard and decided. According to learned counsel, as there are no immediate prospects of hearing the appeal, he urged for suspension of sentence and grant of bail.

3. Learned APP opposes the above application on the ground that on full-fledge trial, guilt has been recorded and therefore he prays to reject the application.

4. Considering the above submissions, nature of allegations and as there are no immediate prospects of hearing the appeal, which is of 2025 and more particularly, applicant was on bail during trial, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Agatrao s/o Achyutrao Watane in Sessions Case No. 100 of 2019 by learned Additional Sessions Judge, Latur on 16.12.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.35 of 2025.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees 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 bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]