



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

**CRIMINAL APPLICATION NO. 318 OF 2025
IN APPEAL/61/2025**

Ganesh S/o. Shravan Rathod
Age: 32 years, Occu.: Business,
R/o.: Plot – 16, Ramanand Colony,
Kranti Chowk, Aurangabad.
Dist.Aurangabad.

....Applicant
(Orig. Accused No.1)

Versus

The State of Maharashtra
Through Satara Police Station,
Aurangabad, Dist.Aurangabad.

.....Respondent

.....
Advocate for Applicant : Mr.Mahesh Deshmukh h/f.
Mr. Umesh Babanrao Gite
APP for Respondent : Mr.S.B.Narwade
.....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 24 JANUARY, 2025
PRONOUNCED ON : 28 JANUARY, 2025**

ORDER :-

1. Present application is for suspension of sentence on account of conviction recorded by learned Additional Sessions Judge, Aurangabad in Sessions Case no.94 of 2018 awarding conviction to applicant to suffer rigorous imprisonment for five years for offence under Section 392 of the Indian Penal Code (IPC).

2. Learned counsel for the applicant pointed out that there is false implication. That, five persons were booked for the above offence. That, four persons are already acquitted by learned trial Court. That, case of prosecution has been accepted, but only against present applicant. That, appeal against the said order has been preferred before this Court bearing no.61 of 2025 and according to learned counsel, as much more time would be required to hear the appeal, learned counsel seeks suspension of sentence and grant of bail.

3. Learned APP opposed the application on the ground that on full-fledge trial and on complete appreciation of evidence, present applicant is alone found to be guilty and hence, he opposes the relief of suspension of sentence and grant of bail.

4. Heard and perused the papers. It seems that in all five persons including present applicant were chargesheeted by Satara Police Station, Aurangabad for offence under Section 395 of the IPC. On the strength of eight witnesses, trial was conducted and concluded and finally, by the impugned order

dated 20-01-2025, four accused appeared to be acquitted and present applicant alone is held guilty and that too for offence under Section 392 of the IPC and is sentenced to suffer rigorous imprisonment for five years.

5. Learned counsel pointed out that he has good case on merits in appeal as according to him, on set of evidence, rest of the accused are acquitted.

6. Considering the above facts and as appeal is of 2025 and there being no immediate prospects of appeal being taken up for hearing, application deserves to be allowed. Accordingly, following order is passed :

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Ganesh S/o. Shravan Rathod by the learned Additional Sessions Judge, Aurangabad in Sessions Case No.94 of 2018 dated 20-01-2025, stands suspended till final hearing and disposal of Criminal Appeal No.61 of 2025.

- (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.
- (viii) Parties to act on authenticated copy of the present order.

(ABHAY S. WAGHWASE)
JUDGE