



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 510 OF 2025
IN
CRIMINAL APPEAL NO. 95 OF 2025

1. Michael Raju Valvi,
Age 20 years, Occu. Agri & Labour,
2. Angat @ Hengarya Krushna Valvi,
Age 23 years, Occu. Agri & Labour,
3. Rajiv Surupsing Gavit
Age 20 years, Occu. Agri & Labour,
4. Chandrasingh Gopichand Gavit
Age 23 years, Occu. Agri & Labour,
5. Fulsingh Kantilal Gavit
Age 24 years, Occu. Agri & Labour,

All above r/o Mothe Umaj,
Taluka and District Nandurbar. ... Applicants

Versus

The State of Maharashtra
Through Police Station Officer,
Upnagar Police Station, Nandurbar,
Taluka and District Nandurbar. ... Respondent

.....
Mr. S. P. Pandit, Advocate for the Applicants.
Mr. C. V. Bhadane, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 01.04.2025

ORDER :

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Sessions Judge, Nandurbar in Sessions Case No. 28 of 2023 for offences under Sections 304 (Part II), 143, 147, 323 of IPC.

2. Learned counsel submitted that applicants were on bail during trial. Fine amount is paid. That, appeal preferred against the judgment of Sessions Court being of the year 2025, it is his submission that, much more time would be required to hear the same and hence, he urges for suspension of substantive sentence as well as grant of bail.

3. Learned APP opposed on the ground that on full fledged trial, conviction has been recorded. He also expressed apprehension of misuse of liberty.

4. Heard. Perused the judgment and order dated 04.01.2025 by which learned Sessions Judge has held the applicants guilty of offence under Sections 304(Part II), 143, 147 and 323 of IPC respectively. Maximum sentence awarded for above offences is of imprisonment

for five years and to pay fine. Fine amount is said to be paid. Taking the statement made across the bar that applicants were on bail during trial, and there being no prospects of hearing the appeal in near future, 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 applicants in Sessions Case No. 28 of 2023 by learned Sessions Judge, Nandurbar on 04.01.2025 stands suspended till final hearing and disposal of Criminal Appeal No. 95 of 2025.
- III. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each, with one solvent surety by 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 they tender bail papers and thereafter, the trial Judge to fix dates for their 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 applicants.
- VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

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