



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

**CRIMINAL APPLICATION NO. 536 OF 2025
IN APPEAL/103/2025**

1. Sakharam Ramkisan Shinde
Age: 57 years, Occu.: Agril.,
R/o. Shindewadi, Tq.Majalgaon,
Dist.Beed.
2. Angad Sakharam Shinde
Age: 32 years, Occu.: Agril.,
R/o. Shindewadi, Tq.Majalgaon,
Dist.Beed.
3. Shripati Sakharam Shinde
Age: 28 years, Occu.: Agril.,
R/o. Shindewadi, Tq.Majalgaon,
Dist.Beed.

....Applicants
(Orig. Accused No.1 to 3)

Versus

- . The State of Maharashtra
Through Police Station Officer,
Police Station Sirsala,
Tq. Parli, Dist.Beed.

.....Respondent

.....
Advocate for Applicants : Mr. Sharad S. Solanke
APP for Respondent : Mr.PK.Lakhotiya

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 03 MARCH, 2025

ORDER :

1. Present application is for suspension of sentence and grant of
bail on account of conviction recorded by learned Additional Sessions

Judge, Ambajogai, Tq.Ambajogai, Dist.Beed, in Sessions Case No.83 of 2021 dated 16-01-2025.

2. Learned counsel for the applicant submitted that present applicants were tried vide Sessions Case No.83 of 2021 for commission of offence under Sections 307, 326, 323, 504, 506 read with 34 of the Indian Penal Code (IPC) and on trial, they held guilty for offence under Sections 326, 323 read with 34 of the IPC and sentenced to suffer rigorous imprisonment for three years and one year respectively and to pay fine. That, judgment and order of conviction has been challenged by filing appeal. That, appeal is of 2025 and there are no prospects of appeal being heard earlier. For all above reasons, learned counsel seeks suspension of sentence and grant of bail.

3. Learned APP opposed the application. It is submitted that after appreciation of the evidence, learned trial Court convicted applicants for offence under Sections 326 and 323 read with 34 of the IPC. That, prosecution proved the charges beyond reasonable doubt. For above reasons, learned APP opposed application.

4. Heard. Perused the papers. Present applicants were arrested

and tried vide Sessions Case No.83 of 2021 for offence under Sections 307, 326, 323, 504, 506 read with 34 of the Indian Penal Code (IPC) and by judgment and order dated 16-01-2025 they seems to get convicted, but for offence under Sections 326, 323 read with 34 of the IPC. That, learned trial Judge has awarded maximum sentence of rigorous imprisonment for three years and to pay fine. By filing appeal bearing no.103 of 2025 exception seems to have taken to above judgment and order of conviction. As is seen, appeal is of 2025 and this Court is currently dealing with appeals of 2007. Resultantly, there are no immediate prospects of appeal being heard on merits finally.

5. Taking the above discussion into account and the quantum of sentence, relief of suspension of sentence and grant of bail is required to be granted. Hence, the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on applicants (1) Sakharam Ramkisan Shinde, (2) Angad Sakharam Shinde and (3) Shripati Sakharam Shinde by the learned Additional Sessions Judge, Ambajogai, Tq.Ambajogai, Dist.Beed, in Sessions Case No.83 of

2021 dated 16-01-2025, stands suspended till final hearing and disposal of Criminal Appeal No.103 of 2025.

- (iii) The applicants be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties in the like amount each.
- (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 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 the bail granted to the applicants.
- (vii) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE