



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 573 OF 2025
IN
CRIMINAL APPEAL NO. 105 OF 2025

Vivek s/o Vasudeo Hedau,
Age : 57 years, Occupation : Nil,
Shop Inspector, Govet. Labour
Office, Osmanabad,
Taluka and District Osmanabad.
At present R/o. Sarkar Nagar,
New Water Tank, Rahika Sabhaghruha,
Taluka and District Chandrapur. ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. P. S. Koshti, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 17.03.2025

ORDER :

1. Present application is for suspension of sentence and grant of bail on account of conviction of applicant recorded by learned Special Judge, Osmanabad in Special Case (ACB) No. 10 of 2012, awarding him sentence of imprisonment for three years.

2. Learned counsel submitted that present applicant was tried vide Special Case (ACB) No. 10 of 2012. The judgment was pronounced

on 21.11.2024. That, during entire trial, applicant was on bail. That, copy of the judgment was received by applicant on 06.12.2024. That, on request of present applicant, learned trial Judge had extended bail till appeal period was over and said period was up to 06.02.2025. That, applicant applied for certified copy and thereafter promptly filed appeal. But after seeking circulation, matter is posted on 14.02.2025. Therefore, the protection of bail granted by learned trial court up to the appeal period unfortunately came to an end. According to learned counsel, applicant is not responsible, but it was inadvertently not brought to the notice of this Court that period of protection had already come to an end on 06.02.2025. For all above reasons, learned counsel seeks suspension of sentence and grant of bail till disposal of the appeal.

3. Learned APP opposed on the ground that on full fledged trial, conviction has been recorded and moreover, the appeal period during which protection of bail was granted, is already over. However, learned APP fairly conceded that from the submissions and papers like application for certified copy, it does appear that copy is received on 06.12.2024 and thereafter matter was got circulated, resulting into delay.

4. After considering the above submissions, here, present application is for suspension of sentence on account of conviction recorded by learned Special Judge, Osmanabad in Special Case (ACB) No. 10 of 2012. Operative part shows that sentence awarded is imprisonment for three years. The same is apparently questioned by filing appeal. However, appeal being of the year 2025, obviously it will take long time to be heard. During trial, applicant was on bail and moreover, even learned trial court extended the benefit of bail as well as suspension of sentence till appeal period is over.

5. Subsequent events of receiving certified copy, getting circulation etc., contributed to delay. Therefore, taking the same into consideration, in the interest of justice, 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 Vivek s/o Vasudeo Hedau in Special Case (ACB) No. 10 of 2012 by learned learned Special Judge, Osmanabad on 21.11.2024, stands suspended till the final hearing and disposal of Criminal Appeal No. 105 of 2025.

- III. The applicant be released on P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety 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.]

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