



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**51 CRIMINAL APPLICATION NO. 855 OF 2025
IN
CRIMINAL APPEAL NO. 155 OF 2025**

1. Dnyanoba s/o Jijabhau Yeole
Age 70 years, Occupation Agriculture,
2. Shivaji s/o Dnyanoba Yeole
Age 37 years, Occupation Agriculture,
3. Rajebhau s/o Dnyanoba Yeole,
Age 35 years, Occupation Agriculture,

All R/o Devegaon, Taluka Pathri,
District Parbhani.

... Applicants
[Orig. Accused Nos.1 to 3]

Versus

1. The State of Maharashtra
Through Police Station Officer,
Pathri Police Station, Taluka Pathri,
District Parbhani.
2. Kavita Dattatray Bhombe,
Age 45 years, Occupation Agriculture,
r/o Devgaon, Taluka Pathari,
District Parbhani.

... Respondents

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Advocate for Applicants : Mr. Subhash S. Nade

APP for Respondent-State : Mr. V. M. Chate

Advocate for Respondent No.2 : Mr. Ramrao G. Nirmal (appointed)

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 MARCH 2025

PER COURT :-

1. This is an application for suspension of sentence and grant of bail on account of conviction of applicants recorded by learned Additional Sessions Judge-3 Parbhani by order dated 05.02.2025 passed in Sessions Case No. 139 of 2019

2. Learned counsel for the applicants submitted that applicants were tried vide above Sessions Case and held guilty for offences under Sections 354-B, 326, 323, 325, 354 r/w 34 of IPC. He pointed out that maximum sentence awarded for each of the above offences is imprisonment for three years. That, applicants were on bail during trial. Fine amount is said to be paid. According to him, exception has been taken to the above judgment by filing Criminal Appeal No. 155 of 2025 and it being recent one, there are no immediate prospects of appeal being taken up in near future.

3. Learned APP as well as learned counsel Mr. Nirmal appointed for respondent no.2 strongly opposed on the ground that that on full-fledged trial, guilt has been recorded. They also apprehended misuse of liberty.

4. Considering the above submissions and quantum of sentence, and as the appeal is of the year 2025, obviously there are no chances of it being heard 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 by order dated 05.02.2025 in Sessions Case No. 139 of 2019 by learned Additional Sessions Judge-3, Parbhani, stands suspended till the final hearing and disposal of Criminal Appeal No. 155 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 his 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.

VIII. Fees of Mr. Ramrao G. Nirmal, appointed to represent respondent no.2, be paid by High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

[ABHAY S. WAGHWASE, J.]

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