



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 CRIMINAL APPLICATION NO. 1202 OF 2025
IN
CRIMINAL APPEAL NO. 217 OF 2025

Atish s/o Suresh Chavan,
Age 30 years, Occupation Labourer,
R/o. Limbagaon, Taluka and District Nanded,
A/P Deepaknagar, Nanded. ... Applicant

Versus

The State of Maharashtra
Through Police Station, Bhagyanagar,
Nanded, Taluka and District Nanded. ... Respondent

...
Advocate for Applicant : Mr. Irfan D. Maniyar
APP for Respondent-State : Mr. S. B. Narwade
...

CORAM : ABHAY S. WAGHWASE, J.
DATED : 02 APRIL 2025

PER COURT :-

1. Issue notice to the respondent, returnable forthwith. Learned APP waives notice for the respondent-State.
2. This is an application for suspension of sentence and grant of bail on account of conviction of the applicant recorded by learned Additional Sessions Judge-3, Nanded in Sessions Case No. 15 of 2021 for offence punishable under Section 323 r/w 34 of IPC, whereby he is sentenced to suffer imprisonment for one year.

3. Learned counsel for the applicant submitted that applicant was tried vide above Sessions Case No. 15 of 2021. Learned counsel pointed out that applicant stood acquitted of offence punishable under Section 302 of IPC, however, came to be convicted for offence under Section 323 of IPC and sentenced to suffer imprisonment for one year. Learned counsel makes a statement that applicant was on bail during trial. He also makes a statement that fine amount is already paid. That, the said order of conviction is under challenge. However, appeal being of the year 2025 and there being no immediate prospects of appeal being heard in near future, he seeks suspension of sentence and grant of bail.

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

5. In view of the above, considering the quantum of sentence, as appeal is of the year 2025 and it will take much more time to be heard, 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 Atish s/o Suresh Chavan in Sessions Case No. 15 of 2021 by the learned Additional Sessions Judge-3, Nanded on 03.02.2025, stands suspended till the final hearing and disposal of Criminal Appeal No. 217 of 2025
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen 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.]