



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1206 OF 2025
IN
CRIMINAL APPEAL NO. 221 OF 2025

Ishwar S/o. Ganpati Holgir,
Age : 52 years, Occu. : Agri.,
R/o. Harsul, Tq. Kandhar,
Dist. Nanded.

... Applicant.

Versus

State of Maharashtra,
Through Police Station, Kandhar,
R/o. Harsul, Tq. Kandhar, Dist. Nanded.

... Respondent.

.....

Mr. Nitin U. Telgaonkar, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent – State.

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 01 APRIL, 2025

PER COURT :

1. Present application is for suspension of substantive sentence and grant of bail in consequence to the judgment and order dated 06.03.2025 passed by the learned Additional Sessions Judge-2, Kandhar, Dist. Nanded in Sessions Case No. 04 of 2019.

2. It is pointed out that, applicant was tried vide above Sessions Case and by judgment and order dated 06.03.2025 he has been held guilty for offences punishable under sections 353, 332

and 506 of Indian Penal Code. He further pointed out that, maximum sentence for above offences is six months. That, exception has been taken to the same by filing appeal. However, appeal being of 2025, according to learned counsel, there is uncertainty of matter being heard and decided in near future. He makes a statement across the bar that applicant was on bail during trial and fine amount has been paid. Receipt of fine amount is taken on record.

3. Learned APP opposed on the ground that on full-fledge trial applicant has been held guilty and learned APP apprehends the possibility of misuse of liberty. On both premises, he opposes the relief.

4. After considering the submissions and on going through the operative part of the judgment, apparently maximum sentence for above offence is six months. Taking into account the fact that appeal is of 2025 and there are no immediate prospects of appeal being heard in near future and considering the quantum of sentence, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant Ishwar S/o. Ganpati Holgir in Sessions Case No. 04 of 2019 by learned Additional Sessions Judge-2, Kandhar, Dist. Nanded on 06.03.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.221 of 2025.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties 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.)