



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

**903 CRIMINAL APPLICATION NO. 1399 OF 2025
IN APEAL/270/2025**

SHASHIKANT SHANKAR GAIKWAD

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

WITH

CRIMINAL APPEAL NO. 270 OF 2025

Ms Karishma S. Sarin, Advocate for the applicant
Ms V. S. Choudhari, APP for the respondents/State
Ms Khan Sultana R., Advocate for the respondent No. 2

CORAM : ABHAY J. MANTRI, J.

DATE : 30th SEPTEMBER, 2025

PER COURT :

1. The applicant has moved this application to suspend the sentence awarded by the Judgment and order dated 21-03-2025, passed by the learned Additional Sessions Judge, Nandurbar, in Special Case No.10/2020, whereby the applicant was sentenced to suffer rigorous imprisonment and to pay a fine.

2. The learned advocate for the applicant submitted that during the trial, the applicant was on bail, and after the conviction order was passed, the applicant was released on bail on furnishing PB and SB of Rs. 50,000/-. The applicant has also deposited the fine

amount in the Trial court. She further canvassed that the applicant has challenged the order passed by the learned Trial Court, and it will take time to finally decide. Therefore, she urged the criminal application to be allowed.

3. The learned APP vehemently opposed allowing the criminal application.

4. It appears that by order dated 13-08-2025, Ms Sultana Khan, learned advocate, was appointed to represent respondent No. 2, to whom the learned advocate for the applicant has served the copy.

5. Having considered the submissions of the learned advocate for the applicant and gone through the impugned judgment and record, it appears that the applicant was on bail during the trial. After passing the conviction order, he was released on bail, and this court continued the order of releasing him on bail until this date. The applicant also appears to have deposited the entire fine amount with the learned Trial Court.

6. *Moreover*, it is apparent that the applicant has preferred the criminal appeal against the impugned judgment and order, and the same is pending. The appeal will take its own time to be finally decided. Therefore, considering the facts of the case, in my opinion, it would be appropriate to suspend the sentence imposed by the

impugned judgment and order and release the applicant on bail. As such, the criminal application is allowed as prayed for.

7. The sentence awarded by the judgment and order dated 21-03-2025, passed by the learned Additional Sessions Judge, Nandurbar, in Special Case No. 10/2020, is hereby suspended till disposal of the appeal. The bail bonds executed before the learned Trial Court by the applicant shall continue until the appeal is disposed of.

8. Learned advocate for the respondent No. 2 is appointed through the Legal Services Authority. Hence, her fees is to be quantified as per the rules of the High Court Legal Aid Services Sub-Committee.

CRIMINAL APPEAL NO. 270 OF 2025.

1. Heard.
2. Considering the grounds raised in the appeal memo, the appeal is '**admitted**'.
3. Issue notice to the respondents. The learned APP waives service of notice for the respondents/State.
4. Call R & P along with the paper book.
5. List the matter after receipt of R & P

[ABHAY J. MANTRI, J.]