



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1609 OF 2025
IN
CRIMINAL APPEAL NO. 322 OF 2025

Goraksh Baban Palve,
Age : 45 years, Occu. : Asst. Police Inspector,
Navapur Police Station,
R/o. Police Officers Quarters, Navapur,
Dist. Nandurbar
Native resident of Mehkari,
Tq. & Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Satej S. Jadhav, Advocate for Applicant.
Mr. V. M. Chate, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 07 MAY 2025

ORDER :

1. This is an application for suspension of substantive sentence and grant of bail on account of conviction recorded by Special Judge (ACB) and Additional Sessions Judge, Nandurbar in Special ACB Case No.03 of 2014 for offence punishable under sections 353, 323 and 506 r/w section 34 of Indian Penal Code.

2. Learned counsel for applicant pointed out that, applicant was tried vide Special ACB Case No.03 of 2014 and on

above accusations by judgment and order dated 29.04.2025 guilt is recorded awarding sentence of two years and three months imprisonment, respectively. That, applicant was on bail during trial. It is pointed out that, star witnesses of prosecution had turned hostile. That, there is doubt about validity of sanction to prosecute. That, medical evidence in support of offence of section 323 of IPC is not full proof. Learned counsel pointed out that, there is challenge to the said judgment and order of conviction by filing appeal. That, there is a good case on merits. However, as appeal would take long time to be heard and decided, the relief of suspension of sentence is urged for.

3. Learned APP opposed on the ground that, on full-fledged trial, conviction has been recorded and learned APP also expresses possibility of misuse of liberty.

4. Heard. Perused the papers. It is emerging that on complaint of Anti Corruption Officer, FIR was registered and as applicants were charge-sheeted for commission of offence punishable under sections 353, 323, 504 and 506 read with 34 of IPC, by judgment and order dated 29.04.2025 conviction has been recorded by learned Special Judge awarding sentence of two years for offence under sections 353 read with 34 of IPC and three

months for 323 and 506 r/w 34 of IPC and also to pay fine. Thus, maximum sentence is of two years. There is challenge to the said judgment by filing appeal, but it is apparently of 2025 and there are no immediate prospects of hearing the appeal in near future. Hence, I proceed to pass the following order :-

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Goraksh Baban Palve in Special ACB Case No.03 of 2014 by learned Special Judge (ACB) and Additional Sessions Judge, Nandurbar on 29.04.2025 stands suspended till the final hearing and disposal of Criminal Appeal No.322 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.)