



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1643 OF 2025
IN
CRIMINAL APPEAL NO.338 OF 2025

1. Sanjiv Babanrao Bhor
Age 53 years, Occ: Business,
R/o. Pipeline Road, Panchavati Nagar,
Ahilyanagar
2. Santosh Vitthal Wadekar
Age 47 years, Occ: Business,
R/o. Desvade, Tal. Parner,
Dist. Ahilyanagar.
3. Adinath Shankarrao Kale
Age 52 years, Occ : Business,
R/o. Wanjoli, Tal. Newasa,
Dist. Ahilyanagar
- 4 Kishor Sunil Arde
Age 44 years, Occ : Business
R/o. Near Masjid, Bolhegaon,
Ahilyanagar.
5. Arun Babasaheb Sase
Age 49 years, Occ; Business,
R/o. Jeur, Tal. & Dist. Ahilyanagar.
6. Sandip @ Major Shankar Pawar
Age 41 years, Occ: Business,
R/o. M.I.D.C., Ahilyanagar.
7. Sharad @ Balu Gadadhar
Age 41 years, Occu: Business,
R/o. M.I.D.C., Ahilyanagar.
8. Yogesh @ Bhavdya Govind Arde
Age 35 years, Occ: Business,
R/o. Malhar Nagar, M.I.D.C. Ahilyanagar.
9. Ganesh @ Bhaiyya Jitendra Shinde

Age 40 years, Occ: Business
R/o. M.I.D.C. Ahilyanagar.

10. Vitthal Umesh Gudekar
Age 40 years, Occ: Business
R/o. Malhar Nagar, M.I.D.C. Ahilyanagar.

11. Bapu Babasaheb Virkar
Age 41 years, Occ: Business
R/o. Malar Nagar, M.I.D.C., Ahilyanagar.

12. Sagar Kaduba Ghane
Age 48 years, Occ : Business
R/o. Navnagapur, M.I.D.C. Ahilyanagar.

13. Kailas Shivaji Pathare
Age 58 years, Occ: Business
R/o. Dongargan,
Tal. & Dist. Ahilyanagar

... Applicants

VERSUS

The State of Maharashtra
Through Police Station Officer
Kotwali Police Station, Ahilyanagar,
Dist. Ahilyanagar

...Respondents

....
Mr. Z. H. Farooqui, Advocate for the applicants.
Mr. P. K. Lakhotiya, APP for respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 08 MAY 2025

PER COURT :

1. Instant application is for suspension of substantive sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge, Ahmednagar in Sessions Case No.9 of 2010 vide

judgment and order dated 25.04.2025.

2. Learned counsel pointed out that applicants were tried vide as one sessions case and by judgment and order dated 25.04.2025 and they have been held guilty for the offences under Sections 143, 147, 452, 342, 355 and 501 read with Section 149 of the Indian Penal Code. He further pointed out that maximum sentence awarded is one year. That, fine amount is said to be paid. That, applicants were on bail during trial. That, they have questioned above judgment and order of conviction by filing appeal, Criminal Appeal No.338 being of 2025 and it being recent, there are no prospects of appeal being taken up in near future. Resultantly, learned counsel prays for relief of suspension of sentence and bail.

3. Learned APP opposes on the ground that on full fledged trial guilt has been recorded. Learned APP also expresses apprehension of misuse of liberty.

4. After hearing the above submissions, on going through the papers it seems that the applicants were tried vide Sessions Case No.9 of 2010 for above offences and vide judgment and order dated 25.04.2025, they are held guilty for above offences. Operative part shows that the maximum sentence awarded is of one year. Fine amount is said to be paid. Apparently, appeal being of 2025, there are no chances of it being heard

in near future.

5. Taking the above quantum into consideration and above discussion relief as prayed deserves to be granted. Hence, following order :

ORDER

(i) Criminal Application stands allowed.

(ii) The substantive sentence imposed on the applicants (a) Sanjiv Babanrao Bhor (b) Santosh Vitthal Wadekar (c) Adinath Shankarrao Kale (d) Kishor Sunil Arde (e) Arun Babasaheb Sase (f) Sandip @ Major Shankar Pawar (g) Sharad @ Balu Gadadhar (h) Yogesh Bavdya Govind Arde (i) Ganesh @ Bhaiyya Jitendra Shinde (j) Vitthal Umesh Gudekar (k) Bapu Babasaheb Virkar (l) Sagar Kaduba Ghane (m) Kailas Shivaji Pathare in Sessions Case No.9 of 2010 by the learned Additional Sessions Judge, Ahmednagar on 25-04-2025, stands suspended till the final hearing and disposal of Criminal Appeal No.338 of 2025.

(iii) The applicants be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with two solvent sureties in the like amount each.

(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 he tenders bail papers and thereafter, the trial Judge to fix dates for their 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 the bail granted to the applicants.

(vii) Bail before the trial Court.

(ABHAY S. WAGHWASE, J.)