



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

**923 CRIMINAL APPLICATION NO. 1727 OF 2025
IN
APPEAL/352/2025**

1. BABASAHEB BABURAO JARE
2. RAMESH ASHOK BABAR

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shinde Vaibhav Nandkumar
APP for Respondent/State: Mr. N. D. Batule

...

WITH

...

**CRIMINAL APPEAL NO. 338 OF 2025
SANJIV BABANRAO BHOR AND OTHERS**

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellant : Mr. Z. H. Farooqui
APP for Respondent/State: Mr. N. D. Batule

...

WITH

...

**CRIMINAL APPEAL NO. 352 OF 2025
BABASAHEB BABURAO JARE AND ANOTHER**

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellant : Mr. Shinde Vaibhav Nandkumar
APP for Respondent/State: Mr. N. D. Batule

...

WITH

...

**CRIMINAL APPEAL NO. 354 OF 2025
MAHADEO PARSHURAM BHAGAT AND ANOTHER**

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Appellant : Mr. Shekade Shashikant E
 APP for Respondent/State: Mr. N. D. Batule

...

WITH

...

**CRIMINAL APPLICATION NO. 1729 OF 2025
 IN APPEAL/354/2025**

1. MAHADEO PARSHURAM BHAGAT
2. BALBHIM PARSHURAM BHAGAT

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Shekade Shashikant E
 APP for Respondent/State: Mr. N. D. Batule

...

CORAM : ARUN R. PEDNEKER, J.**DATE : 16.07.2025****P.C. :**

1] Heard.

2] Criminal Appeal No.338 of 2025, Criminal Appeal No.352 of 2025 and Criminal Appeal No.354 of 2025 are **admitted**.

3] Criminal Application No.1727 of 2025 and Criminal Application No.1729 of 2025 have been filed by the applicants for suspension of substantive sentence imposed on them in Sessions Case No.09/2010, dated

25.04.2025, by learned Additional Sessions Judge, Court No.3, Ahmednagar. The applicants and co-accused have been convicted thus:

“1. The Accused No. 1.Sanjiv Babanrao Bhor, 2.Mahadeo Parshuram Bhagat, 3.Balbhim Parshuram Bhagat, 4.Babasaheb Baburao Jare, 5.Santosh Vitthal Wadekar, 6.Adinath Shankarrao Kale, 7.Ramesh Ashok Babar, 9.Kishor Sunil Arde, 10.Arun Babasaheb Sase, 11.Sandip @ Major Shankar Pawar, 12.Sharad @ Balu Gadadhar, 13.Kailas Shivaji Pathare, 14.Yogesh @ Bhavdya Govind Arde, 15.Ganesh @ Bhaiyya Jitendra Shinde, 16.Vitthal Umesh Gudekar, 17.Bapu Babasaheb Virkar, 18.Sagar Kaduba Ghane are hereby convicted u/s 235(2) of Cr.P.C. for the offence punishable under Sections 143, 147, 452/149, 342/149, 355/149 & 501/149 of Indian Penal Code, for which they stood for trial.

2. For the offence punishable under Section 143 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 06 (six) months and shall pay fine of Rs.1,000/- (Rs. One Thousand only) each, in default suffer simple imprisonment of 01 (one) month.

3. For the offence punishable under Section 147 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 01 (one) year and shall pay fine of Rs.2,000/- (Rs. Two Thousands only) each, in default suffer simple imprisonment of 01 (one) month.

4. For the offence punishable under Section 452/149 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 01 (one) year and shall pay fine of Rs.2,000/- (Rs. Two Thousands only) each, in default suffer simple imprisonment of 01 (one) month.

5. For the offence punishable under Section 342/149 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 01 (one) year and shall pay fine of Rs.2,000/-(Rs. Two Thousands only) each, in default suffer simple imprisonment of 01 (one) month.

6. For the offence punishable under Section 355/149 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 01 (one) year and shall pay fine of Rs.2,000/-(Rs. Two Thousands only) each, in default suffer simple imprisonment of 01 (one) month.

7. For the offence punishable under Section 501/149 of Indian Penal Code, all the Accused persons No.1 to 7 & 9 to 18 as mentioned above, are hereby sentenced to suffer simple imprisonment for 01 (one) year and shall pay fine of Rs.2,000/-(Rs. Two Thousands only) each, in default suffer simple imprisonment of 01 (one) month.

8. All the sentences of Accused Nos.1 to 7 & 9 to 18 to run concurrently.”

2] The sentence of the co-accused has been suspended. The maximum sentence is of one year. Considering the same, the sentence is suspended on the same terms and conditions as mentioned in the order passed by this court dated 08.05.2025 in Criminal Application No.1643/2025.

3] Considering the above, I pass the following order :

ORDER

i] Criminal Application No.1727 of 2025 and Criminal Application No.1729 of 2025 are allowed.

ii] The substantive sentence imposed on the applicants in Sessions Case No.09/2010, dated 25.04.2025, by learned Additional Sessions Judge, Court No.3, Ahmednagar, stands suspended till the final hearing and disposal of Criminal Appeals.

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.

[ARUN R. PEDNEKER]
JUDGE