



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CRIMINAL APPLICATION NO. 2146 OF 2025 IN APEAL/435/2025
WITH
CRIMINAL APPEAL NO. 435 OF 2025
WITH
CRIMINAL APPEAL NO. 439 OF 2025
WITH
CRIMINAL APPLICATION NO. 2149 OF 2025 IN APEAL/439/2025
WITH
CRIMINAL APPEAL NO. 440 OF 2025
WITH
CRIMINAL APPLICATION NO. 2150 OF 2025 IN APEAL/440/2025

DIPAK VISHNUDAS MUNDADA

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. B. N. Magar
APP for Respondent/State : Mr. N.D. Batule

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 16, 2025

PER COURT :-

1. Heard.
2. Criminal Applications are filed for suspension of substantive sentence imposed on the applicants/accused by the learned Additional Sessions Judge, Basmatnagar, District Hingoli in Sessions Case No. 55/2019 vide judgment and order dated 21.5.2025. The relevant part of the sentence is as under :-

"ORDER

- 1) Accused No 1 Deepak Mundada, accused no 2 Rahul Rathod, accused no 7 Kashrnath Bhosale and accused no 8 Vyankatesh @ Banti Shreniwar are convicted under Section 235(2) of the Code of Crimmal Procedure for offences punrshable under section 332 and 147 of the Indlan Penal Code and are sentenced to suffer as under (1) For the offence punISHable under

(1) For the offence punishable under section 332 of the Indian Penal Code each of them is sentenced to suffer RI for 2 years and each to pay fine of Rs 20,000/-, in default of payment of fine SI for 15 days.

(2) For the offence punishable under section 147 of the Indian Penal Code each of them is sentenced to suffer RI for 6 months.

(3) Both the sentences passed shall run concurrently.

(4) Accused No 7 and 8 were arrested on 14/12/2015 and were released on same day i.e. on 14/12/2015. Set-off under section 428 of Cr. P.C. be given to them.

(5) No separate sentences are passed for offences punishable under section 353, 323, 143 of the Indian Penal Code.

2)"

3. The learned counsel for the applicants/accused submits that maximum sentence imposed on the applicants is of two years rigorous imprisonment. The learned counsel submits that the applicants/accused have good case on merits. The learned counsel submits that inflated electric bills were given to the applicants and the applicants are bonafidely seeking clarification in the office of complainant. However, they were convicted for the aforesaid offence. The learned counsel submits that the appeal will take its own time to conclude and no purpose would be served by keeping the applicants behind bars till conclusion of the appeal. The learned counsel therefore prays to release the applicants/accused on bail.

4. The learned APP strongly opposed the application on the ground that applicants/accused have assaulted the public servants and prays for rejection of the application.

5. Considering that maximum sentence imposed is of two years and the appeal would not be heard in near future, no purpose would be served by keeping the applicants behind bars.

6. In view of the above, the applicants shall be released on bail on such terms and conditions to the satisfaction of the Trial Court.

7. Appeal is **admitted**. After admission, the learned APP waives service of notice for respondent/State.

8. Call R. & P.

(ARUN R. PEDNEKER, J.)

ssc/