



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1023 CRIMINAL APPLICATION NO. 2314 OF 2025
IN APEAL/476/2025
WITH
CRIMINAL APPEAL NO. 476 OF 2025

KIRAN ANIL AMBHORE AND OTHERS
VERSUS
THE STATE OF MAHARSHTRA

...
Advocate for Applicant : Mr. Prashant Prabhakar Giri
APP for Respondent/State : Mr. N.B. Patil
...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 17, 2025

PER COURT :-

1. Heard.
2. Criminal Application No. 2314/2025 is filed for suspension of substantive sentence imposed on the applicants/accused by the learned Ad-hoc District Judge-4 and Additional Sessions Judge, Aurangabad in Sessions Case No. 513/2022 vide judgment and order dated 19.5.2025. The relevant part of the sentence is as under :-

"ORDER

- 1) Accused Nos. 1 to 5 are convicted for the offence punishable under Section 353 r/w. Section 149 of the Indian Penal Code vide section 235 (2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for one (1) year and to pay fine in the sum of Rs.1,000/- (Rs. One Thousand only) each. In default of payment of fine, the accused shall further undergo simple imprisonment of one month.
- 2) Accused Nos. 1 to 5 are convicted for the offence punishable under Section 143 r/w. Section 149 of the Indian Penal Code vide section 235 (2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for

six (6) months and to pay fine in the sum of Rs.500/- (Rs. Five Hundred only) each. In default of payment of fine, the accused shall further undergo simple imprisonment of one month.

3) Accused Nos. 1 to 5 are convicted for the offence punishable under Section 332 r/w. Section 149 of the Indian Penal Code vide section 235 (2) of the Code of Criminal Procedure and sentenced to suffer rigorous imprisonment for one (1) year and to pay fine in the sum of Rs.1,000/- (Rs. One Thousand only) each. In default of payment of fine, the accused shall further undergo simple imprisonment of one month.

4)"

3. The learned counsel for the applicants submits that maximum sentence imposed on the applicants is of one year 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 one year and the appeal will not conclude in near future, no purpose would be served by keeping the applicants behind bars.

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

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

7. Call R. & P.

(ARUN R. PEDNEKER, J.)

ssc/