



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 2703 OF 2025
IN
CRIMINAL APPEAL NO. 1060 OF 2023

ARJUN @ ABHISHEK ANIL JOSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellant : Mr. K. N. Shermale
APP for Respondents/State: Mr. V. M. Jaware
Advocate for Respondent No.2 :
Ms. Namita P. Thole (*Appointed*)
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 22.07.2025

P.C. :

1] Heard.

2] The present application has been filed by the applicant for suspension of substantive sentence imposed on him in Sessions Case No.29/2019, dated 23.10.2023, by learned Additional Sessions Judge, Sangamner, District Ahmendnagar. The applicant has been convicted thus:

“(a) Accused Arjun @ Abhishek Anil Joshi is convicted under section 235(2) of Code of Criminal Procedure, 1973, for the offence punishable under sections 376(2)(t) of the Indian Penal Code, 1860.

(b) For the offence punishable under Section

376(2)(1) of the Indian Penal Code, 1860, accused Arjun @ Abhishek Anil Joshi is sentenced to suffer Rigorous Imprisonment for TEN (10) Years and shall pay fine of Rs. 20,000/- (Rs. Twenty Thousand only) and in default to suffer Rigorous Imprisonment for TWELVE (12) months.”

3] The learned counsel for the applicant submits that the maximum sentence imposed on the applicant is of 10 years. He also submits that the applicant has undergone 6 years 4 months imprisonment.

4] Considering that the applicant is arrested on 03.02.2019 and that the appeal is not being taken up for a long period of time due to pendency of the large number of bail applications and the applicant is already in jail for the above stated period, which is a long incarceration, the applicant can be granted relief of suspension of sentence and bail.

5] Ms. Namita P. Thole, learned counsel appointed to represent the cause of the victim / respondent no.2 shall be paid fees of Rs.10,000/- by the High Court Legal Services Sub-committee, Aurangabad.

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

ORDER

- i] Criminal Application is allowed.
- ii] The substantive sentence imposed on the applicant in Sessions Case No.29/2019, dated 23.10.2023, by learned Additional Sessions Judge, Sangamner, District Ahmदनnagar stands suspended till the final hearing and disposal of Criminal Appeal.
- iii] The applicant be released on bail on furnishing P.R.bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial court.
- iv] Bail before the trial Court.

[ARUN R. PEDNEKER]
JUDGE

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