



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

**CRIMINAL APPLICATION NO. 3803 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 320 OF 2025**

Ganesh Subhash Tribhuwan

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. A.N. Raut, Advocate for the applicant

Ms V.S. Chaudhari, A.P.P. for the respondent - State

....

CORAM : ABHAY J. MANTRI, J.

DATE : 13th OCTOBER, 2025

PER COURT :

1. The applicant / Accused No.2 has field this application to suspend the substantive sentence awarded by learned J.M.F.C., Aurangabad vide judgment and order dated 03rd October, 2015 in R.C.C. No. 1000 of 2015 and confirmed by learned Additional Sessions Judge, Aurangabad vide judgment and order dated 11th August, 2025 in Criminal Appeal No. 172 of 2015, and release him on bail, till disposal of the revision application.

2. Heard learned counsel for the applicant and A.P.P. for the State.

3. Learned counsel for the applicant submitted that during the trial, the applicant was on bail, and after the passing of the conviction order by the learned Magistrate, he was released on bail. The applicant is not a habitual

offender, nor has any offence been registered against him under a similar type of offence. Only after passing the impugned judgment and order, he was taken into custody, and therefore, he urged for his release on bail.

4. On the other hand, learned A.P.P. submitted that no similar type of offence has been registered against him; but earlier, one offence under Section 324 of the Indian Penal Code was registered against the applicant in Crime No. 47 of 2014, and therefore, she opposes the application.

5. Having gone through the impugned judgment and order, at the outset, it appears that during the trial, the applicant was on bail, and after the learned Magistrate passed the conviction order, the applicant was released on bail. Further, as per the statement of learned counsel for the applicant and learned A.P.P., it appears that the applicant is not a habitual offender. The applicant has preferred the revision application challenging the impugned judgments and orders passed by the learned Magistrate and the learned appellate Court, and it will take time to decide finally.

6. Having considered the facts of the case and the nature of the offence, in my view, it would be appropriate to suspend the substantive sentence awarded by the Courts below and release the applicant on bail till the disposal of the revision application.

7. Consequently, a criminal application is allowed. The substantive sentence awarded by the learned Magistrate and confirmed by the learned Appellate Court vide impugned judgments and orders, are hereby suspended

till the disposal of the revision application. The applicant be released on bail on furnishing PB. and S.B. of Rs. 1,00,000/- (Rupees One Lakh) with one or two solvent sureties. The bail bonds are to be furnished before the learned trial Court.

(ABHAY J. MANTRI, J.)

SSD