



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

**905 CRIMINAL APPLICATION NO. 3828 OF 2025
IN REVN/322/2025**

SURYAKANT BALIRAM GAIKWAD

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

WITH

CRIMINAL REVISION APPLICATION NO. 322 OF 2025

Mr. S. S. Ghanekar, Advocate for the applicant
Ms A.S. Deshmukh, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 08th OCTOBER, 2025

CRIMINAL APPLICATION NO. 3828 OF 2025.

PER COURT :

1. The applicant/accused has filed this application to suspend the substantive sentence of one year imposed on him by the Judgment and order dated 07-02-2019 passed by the learned Magistrate, Omerga, in RCC No. 7/2014 and confirmed by the learned Additional Sessions Judge, Omerga, by order dated 11-08-2025 in Criminal Appeal No. 3/2019.
2. Heard the learned advocate for the applicant and learned APP for the State. The learned APP opposed the application.

3. At the outset, it appears that the applicant was on bail during the trial. After the conviction order was passed, the learned trial court and appellate court released him on bail. He also paid a fine to the learned trial court.

4. The applicant was convicted under Section 354 of the IPC and sentenced to rigorous imprisonment for one year with a fine. It also appears that the applicant has preferred this criminal revision challenging the orders passed by the learned trial court and the appellate court before this court. The criminal revision application will take its own time to finally decide.

5. It further appears that the learned Sessions Court dismissed the appeal on 11-08-2025. Against the said order, the applicant has preferred this revision application on 01-10-2025. During the said period, the applicant has not filed any application for releasing him on bail before the learned Sessions Court. The learned advocate for the applicant submits that in view of the judgment of this court in Ikbāl V/s The state of Maharashtra, in Criminal Revision Application No. **301 of 2022** with connected matters dated 05-01-2024, there is no need to surrender the applicant before the court.

6. Having considered the aforesaid facts and nature of the offence and sentence imposed on the applicant, I deemed it appropriate to suspend the sentence and release the applicant on

bail.

7. As a result, the criminal application is allowed. The substantive sentence imposed by the order dated 07-02-2019 passed by the learned Magistrate, Omerga, in RCC No. 7/2014 and confirmed by the learned Additional Sessions Judge, Omerga, by order dated 11-08-2025 in Criminal Appeal No. 3/2019 is hereby suspended till the disposal of the criminal revision application. The applicant shall be released on bail on furnishing PB and SB of Rs. 50,000/- in the like amount before the learned Trial Court within two weeks from today, failing which, a further order will be passed.

10. The criminal application stands disposed of.

CRIMINAL REVISION APPLICATION NO. 322 OF 2025.

1. Heard.

2. Leave granted to add the informant as a party to the proceeding.

3. Considering the grounds raised in the revision memo, the criminal revision application is '**admitted**'.

4. Issue notice to the respondents. The learned APP waives service of notice for the respondents/State.

5. Call R & P with the paper book.

6. List the matter after receipt of R & P

[ABHAY J. MANTRI, J.]

VishalK/905criapln3828.25.odt