



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3898 OF 2025
IN CRIMINAL APPEAL NO. 766 OF 2025

1. Bhalchandra Dalpat Rathod

2. Sudam Dalpat Banjara

..APPLICANTS

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.R. Andhale, Advocate for applicants

Mr. R.K. Ingle, A.P.P. for the respondent - State

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CORAM : ABHAY J. MANTRI, J.

DATE : 10th OCTOBER, 2025

PER COURT :

1. The applicants i.e. Accused Nos.1 and 3 respectively, have filed this application to suspend the substantive sentence awarded by learned Sessions Court, Nandurbar in Sessions Case No. 41 of 2022 vide judgment and order dated 18th September, 2025, whereby Applicant No.1 – Bhalchandra and Applicant No.2 – Sudam were convicted for the offence punishable under Sections 323 and 504 of the Indian Penal Code and sentenced to suffer imprisonment for one year and Applicant No.1 – Bhalchandra further convicted for the offence punishable under Section 504 read with Section 34 of the Indian Penal Code and sentenced to suffer simple imprisonment for two year and to pay fine of Rs.1,000/-, and release them on bail.

2. Heard learned counsel for the applicants and learned A.P.P for the State. Perused the impugned judgment and order as well as the record.

3. At the outset, it appears that during the trial, the applicants were on bail. After passing the conviction order, the learned Sessions Judge released the applicants on bail bonds till 17th October 2025. The applicants have deposited the fine amount with the learned Sessions Court. It also appears that the applicants have preferred the appeal challenging the impugned judgment and order, and it will take time to finally decide.

4. Having considered the above facts, in my view, it would be appropriate to suspend the substantive sentence passed against the applicants and they be released on bail till disposal of the appeal.

5. As such, the substantive sentence awarded against the applicants by the learned Sessions Court vide impugned judgment and order is suspended till the disposal of the appeal. Applicant No.1 – Bhalchandra be released on bail on furnishing P.B. and S.B. of Rs. 1,00,000/- (Rupees One Lakh) before the learned Sessions Court with one or two solvent sureties. Applicant No.2 – Sudam be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand) before the learned Sessions Court. The applicants shall execute the bail bonds within four weeks from today. Criminal application stands disposed of accordingly.

(ABHAY J. MANTRI, J.)