



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.4358 OF 2025
IN
CRIMINAL APPEAL NO.870 OF 2025**

Shankar S/o Dimgabar Bharkad

.... Applicant

Versus

The State of Maharashtra

.... Respondent

.....

Mr. Dhanraj S. Ingole h/f Mr. N. S. Ghanekar, Advocate for the Applicant
Ms. A. S. Deshmukh, APP for the Respondent - State

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CORAM : NEERAJ P. DHOTE, J.

DATE : 19.11.2025

PER COURT :

1. Heard the learned Advocate for the Applicant - Appellant and the learned AGP for the Respondent – State.

2. This is an Application for suspension of substantive sentence imposed by the learned Sessions Judge, Bhokar, District Nanded, in Sessions Case No.15/2020, convicting the Applicant for the offence punishable under Section 325 of the Indian Penal Code, 1860 [hereinafter referred to as ‘IPC’] and sentencing him to suffer Rigorous Imprisonment for four [04] years and fine of Rs.2,500/- [Rupees Two Thousand Five Hundred Only], in default to suffer Rigorous Imprisonment for three [03] months.

3. The learned APP for the Respondent – State opposes the Application.

4. The Co-convict – Manikrao, who is convicted by the impugned Judgment and Order for the offence punishable under Section 304 Part II of IPC and sentenced to suffer Rigorous Imprisonment for ten [10] years and fine of Rs.5000/- [Rupees Five Thousand Only], in default to suffer Rigorous Imprisonment for six [06] months, has been granted bail on suspension of sentence by order dated 06/11/2025 passed in Criminal Application No.4062/2025 in Criminal Appeal No.812/2025. The maximum sentence imposed on the Applicant is four [04] years of imprisonment. The Applicant has undergone three [03] years and nine [09] months of imprisonment. The Appeal will not come up for final hearing in near future. Hence, I proceed to pass the following order:

ORDER

- [I] Criminal Application is allowed.
- [II] The substantive sentence imposed upon the Applicant, namely, Shankar S/o Dimgabhar Bharkad, by the learned Sessions Judge, Bhokar, District Nanded, vide Judgment and Order dated 25/09/2025, passed in Sessions Case No.15/2020, is hereby suspended till final disposal of the Appeal.
- [III] The Applicant be released on bail on furnishing P.R. bond of Rs.15,000/- [Rupees Fifteen Thousand] with one surety in the like amount.
- [IV] The Applicant shall co-operate in early disposal of the Appeal.
- [V] Bail before the Trial Court.
- [VI] Criminal Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]