



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

**CRIMINAL APPLICATION NO. 4547 OF 2025
IN REVN/378/2025**

- 1] Bajirao Kalyan More
Age: 46 years, Occu.: Agriculture,
R/o. Shend (South),
Tq.Shirur-Anantpal, District Latur.
- 2] Vikas Bajirao More
Age : 25 years, Occu.: Student,
R/o. Shend (Sought),
Tq.Shirur-Anantpal, District Latur.Applicants

Versus

- . The State of Maharashtra,
Through Officer in charge,
Police Station, Deoni,
District Latur.Respondent

.....
Advocate for Applicants : Mr. Sudarshan J. Salunke
APP for Respondent : Mr.N.D.Raje
.....

CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 18 DECEMBER, 2025
PRONOUNCED ON : 19 DECEMBER, 2025**

ORDER :-

1. Present application is for suspension of sentence and grant of bail on account of judgment and order of conviction dated 07-02-2020 passed by learned Assistant Sessions Judge, Udgir in Sessions Case No.63 of 2019 for offence under Sections 332,

353, 323 read with Section 34 of the Indian Penal Code (IPC) and affirmed by learned Additional Sessions Judge, Udgir, District Latur by judgment and order dated 17-11-2025 passed in Criminal Appeal No.7 of 2020.

2. Learned Counsel for the applicants would submit that present applicants were tried by learned Assistant Sessions Judge, Udgir vide Sessions Case No.63 of 2019 for offences allegedly committed against complainant, a Junior Engineer and his team members, and by judgment and order dated 07-02-2020 conviction came to be recorded. The same was taken exception to by filing Criminal Appeal No.7 of 2020, but the same has been dismissed by judgment and order dated 17-11-2025, affirming the judgment of the learned Assistant Sessions Judge, Udgir.

3. Learned counsel for the applicants further pointed out that in proceedings before both the learned Courts below i.e. Court of Assistant Sessions Judge, Udgir as well as Additional Sessions Judge, Udgir, District Latur, applicant was on bail. He pointed out that even after dismissal of appeal, protection was granted

by learned Additional Sessions Judge, till revision is filed. He pointed out that, even this Court has continued the protection till today.

4. He further submitted that, there is false implication. According to him, both offences under Sections 332 and 353 of the IPC cannot go hand in hand or simultaneously. This law point has not been appreciated by both the learned Courts below and thus, according to him, there is arguable case in revision before this Court. He points out that, applicants were on bail during proceedings before both the learned Courts below. That, applicant no.1 is a farmer and applicant no.2 is a student of B.H.M.S. That, fine amount is also paid. Thus, during pendency of revision, prayers for suspension of sentence and grant of bail are urged for.

5. Above application is opposed by learned APP on the ground that offence has been committed against public servants. He took this Court through the observations of both the learned trial Court as well First Appellate Court and would submit that applicants do not deserve leniency and according to him,

granting relief would give wrong signal and embolden accused. For above reasons, he prays to reject the prayers.

6. Here, it seems that prosecution was launched against present applicants for commission of offence under Sections 332, 353, 323, 506 read with 34 of the IPC. Learned Assistant Sessions Judge, Udgir, who conducted the trial, by judgment and order dated 07-02-2020 recorded conviction for the offence under Sections 332, 353 and 323 read with 34 of the IPC. The same seems to have been challenged by way of Criminal Appeal No.7 of 2020 before Additional Session Judge, Udgir, District Latur, but the same was dismissed.

7. Now, prayers are pressed for suspension of sentence and grant of bail. Sentence awarded by trial Court and affirmed by First Appellate Court is maximum for two years rigorous imprisonment each. Statement is made across the bar and it also appears from operative part of the order that during pendency of proceedings before both the Courts below, applicants were on bail. It is further emerging that, till filing of revision also learned Additional Sessions Judge, Udgir extended

the benefits of previous bail. There are no immediate prospects of hearing the revision, which is said to be involving law point. Resultantly, in the light of above and as fine amount is deposited, application deserves to be allowed. Hence, following order :

ORDER

- (i) Criminal Application No.4547 of 2025 is allowed.
- (ii) The substantive sentence imposed on the applicant no.(1) Bajirao Kalyan More and applicant no.(2) Vikas Bajirao More by the learned Assistant Sessions Judge, Udgir in Sessions Case No.63 of 2019 on 07-02-2020 and confirmed by learned Additional Sessions Judge, Udgir, District Latur on 17-11-2025 in Criminal Appeal No.7 of 2020, stands suspended till final hearing and disposal of Criminal Revision Application No.378 of 2025.
- (iii) Applicant no.(1) Bajirao Kalyan More and applicant no.(2) Vikas Bajirao More be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with one solvent surety each in the like amount.
- (iv) Bail before the trial Court.

(**ABHAY S. WAGHWASE**)
JUDGE