



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5065 OF 2024
IN
CRIMINAL APPEAL NO. 1089 OF 2024

Nitin s/o Dinkar Shelke
Age: 35, Occupation: Service,
Resident of Nagar Road, Charhata Phata,
Near HP Pump, Taluka and District : Beed ... Applicant

Versus

The State of Maharashtra
Through the Inspector of Police,
Shivajinagar Police Station,
Taluka and District Beed. ... Respondent

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Mr. Akshay Kulkarni (through VC) h/f Mr. Amit A. Yadikar, Advocate
for the Applicant.
Mr. S. B. Narwade, APP for the Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 07.02.2025

ORDER :

1. Instant application is for suspension of substantive sentence and grant of bail on account of conviction recorded by learned Sessions Judge, Beed in Sessions Case No. 98 of 2023.

2. Learned counsel pointed out that applicant was chargesheeted and tried for commission of offence under Sections 436, 427, 336,

504 and 506 of IPC and held guilty for offence under sections 436 and 427 IPC by judgment and order dated 29.11.2024 and he has been sentenced to suffer imprisonment for three years and six months respectively. That, applicant was on bail during trial and he has challenged judgment of conviction by filing appeal, but it being of the year 2024, will take long time to be heard. He further pointed out that this Court was pleased to grant interim protection during vacation i.e. on 27.12.2024. That, condition imposed are complied and hence he seeks making the the said order absolute by granting bail.

3. Learned APP opposed on the ground that on full fledged trial, conviction has been recorded.

4. Perused the papers. It does emerge that present applicant was tried vide Sessions Case No. 98 of 2023 for offence under Sections 436, 427, 336, 504 and 506 of IPC and by judgment and order dated 29.11.2024, he is held guilty but only for offence under Sections 436, 427 of IPC and he has been sentenced to suffer imprisonment for three years and six months respectively for each of the offences. Fine amount is reported to be paid. Applicant was said to be on bail during trail. As submitted, appeal being of the year 2024, there are no

prospects of it being heard in near future. Therefore, application deserves to be allowed. Hence, I proceed to pass the following order :

ORDER

- I. Criminal Application stands allowed.
- II. The interim protection granted by this Court vide order dated 27.12.2024 is hereby confirmed on the same terms and conditions. The substantive sentence imposed on the applicant stands suspended till the final hearing and disposal of Criminal Appeal No. 1089 of 2024.
- III. The applicant shall not commit any criminal activity.
- IV. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- V. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- VI. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]