



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CRIMINAL APPLICATION NO. 997 OF 2025
WITH
REVNST/2673/2025

KIRAN SHIVAJI TUDAME
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Girish V. Wani
APP for Respondent/State: Mr. N. B. Patil

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WITH
CRIMINAL APPLICATION NO. 996 OF 2025
IN REVNST/2673/2025

KIRAN SHIVAJI TUDAME
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Wani Girish V.
APP for Respondent/State: Mr. N. B. Patil

...

CORAM : ARUN R. PEDNEKER, J.
DATE : 06TH MAY, 2025

PER COURT:

1. Heard.
2. For the reasons stated in Criminal Application No.996 of 2025, delay is condoned. The application is allowed.

3. Instant application is for suspension of sentence of impugned Judgment and Order dated 20.06.2024 passed by the learned Additional Sessions Judge, Biloli in Criminal Appeal No.29 of 2019.

4. The learned counsel submits that even if the allegation is proved against the applicant, at the highest, from the facts proved, it can only be inferred that the applicant has entered the house of the informant. However, there is no assault by the applicant against the informant. Considering the same, the learned counsel submits that even considering the case as it is, the sentence imposed would be excessive. He also submits that the evidence on the aspect of trespass committed for the purpose of commission of offence, there is no evidence to indicate the same. He submits that the eye witness evidence do not inspire confidence to the extent that the trespass is for the purpose of committing offence. He submits that the applicant, if at all, can be stated to be drunk and may have inadvertently entered into the house of the informant. However, there is no intention to commit offence. He also submits that the applicant is in custody from 02.08.2024 and that he was also in custody during course of the trial for 1 month and 27 days.

5. Considering the same and considering that this Revision may take time for hearing, the sentence can be suspended and bail can be granted to the applicant.

6. Therefore, in the light of above, relief of suspension of sentence and grant of bail deserves to be granted. Hence, following order is passed.

ORDER

- (I) Criminal Application No. 997/2025 stands allowed.
- (II) The substantive sentence imposed on the applicant in R.C.C. No.97 of 2011 vide order dated 12.01.2018 passed by the learned Judicial Magistrate First Class, Biloli, District Nanded, which is confirmed on 20.06.2024 by the learned Additional Sessions Judge, Biloli in Criminal Appeal No.29 of 2019, stands suspended till the final hearing and disposal of Criminal Revision Application Stamp No. 2673 of 2025.
- (III) The applicant be released on PR. Bond of Rs.5,000/- (Rupees Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the trial court on the same conditions.
- (IV) Bail before the trial court.

7 . The Criminal Revision Application is **admitted**.

8. Call R & P

[ARUN R. PEDNEKER, J.]