

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2385 OF 2025
IN
CRIMINAL APPEAL NO.521 OF 2025

Ashok Rajaram Shingre	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Satyajeet P. Dighe, for the Applicant.
Ms. S. D. Shinde, APP, for the Respondent No.1-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th JULY 2025

PC:-

1. Heard Mr. Dighe, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent No.1-State.

2. By this Interim Application, the Applicant is seeking suspension of sentence and bail during the pendency of the Appeal.

3. The challenge in the Criminal Appeal is to the Judgment and Order dated 5th March 2025 passed by the learned Additional

Sessions Judge, Sindhudurg-Oras in Sessions Case No.20 of 2019. By the impugned Judgment and Order, the Applicant has been convicted for the offence punishable under Section 307 of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for a term of five years and to pay fine of Rs.5,000/-, in default of payment of fine, the Applicant to undergo simple imprisonment for one month. The Applicant has also been convicted for the offence punishable under Section 326 of the Indian Penal Code, 1860. However, no separate sentence has been awarded and the Applicant is acquitted for the offence punishable under Section Section 201 of the Indian Penal Code, 1860.

4. It is the main submission of Mr. Dighe, learned Counsel appearing for the Applicant that there are very valid points raised in the Criminal Appeal. He submits that the Criminal Appeal is admitted by a separate order passed today. He states that the Criminal Appeal will take considerable time for final disposal and therefore, the Applicant is entitled for bail. He submits that the Applicant was in custody from 23rd November 2018 till 21st May 2020 during the trial and thereafter, the Applicant has been taken into custody after the impugned Judgment and Order of the

learned Additional Sessions Judge dated 5th March 2025. Learned Counsel states that thus the Applicant is in custody from 5th March 2025 till today i.e. 17th July 2025. He therefore, states that out of the punishment of five years, the Applicant has almost undergone 22 months of the punishment. He states that there is nothing on record to indicate that when the Applicant was released on bail on 21st May 2020 till the impugned Judgment and Order of the conviction and sentence dated 5th March 2025, he has misused the liberty granted to him.

5. On the other hand, Ms. Shinde, learned APP strongly opposes the Interim Application. She submits that the offence is very serious and the Applicant has assaulted his wife and therefore, there is apprehension that he will again commit the same offence.

6. However, perusal of the record shows that the Criminal Appeal has been admitted by this Court by a separate order passed today. There are valid points raised in the Criminal Appeal. The Criminal Appeal will take considerable time for final disposal. The Applicant was released on bail during the trial on 21st May 2020

and he was on bail till 5th March 2025 and there is nothing on record to show that he has misused the said liberty.

7. Admittedly, there are no other antecedents against the Applicant. However, as apprehension has been expressed by Ms. Shinde, learned APP, certain conditions are required to be imposed upon the Applicant.

8. Accordingly, the case is made out for suspension of sentence and grant of bail during the pendency of the Criminal Appeal. The Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:

ORDER

- (a) The sentence of imprisonment imposed vide Judgment and Order dated 5th March 2025 passed by the learned Additional Sessions Judge, Sindhudurg-Oras in Session Case No.20 of 2019 is suspended during pendency of Criminal Appeal No.521 of 2025, preferred by the Applicant and the Applicant is directed to be released on bail on exequing PR. Bond in the sum of Rs.10,000/- with one or more solvent

sureties in the like amount;

- (b) The Applicant is permitted to furnish cash bail surety for a period of two months, in lieu of surety.
- (c) The Applicant shall attend the Malwan Police Station, SIndhudurg once in a fifteen days for one year i.e. on first and third Sunday between 11:00 a.m. to 01:00 p.m. and thereafter, the Applicant shall attend the said Police Station once in a month i.e. on first Sunday of every month between 11:00 a.m. to 01:00 p.m.
- (d) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto;
- (e) The Applicant shall not contact the victim or her family members or any other witnesses in any manner.

9. Accordingly, the Interim Application is allowed in the aforesaid terms and disposed of.

[MADHAV J. JAMDAR, J.]

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