2026:BHC-AUG:52167

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2993 OF 2026
IN CRIMINAL APPEAL NO. 597 OF 2026

Suresh @ Chitteshwar Gulab Rathod
Age: 44 years, Occu.: Labour,
R/o. Bhendtakali,
Tq. Georai, District Beed. ... Applicant
[Accused]

Versus

The State of Maharashtra ... Respondent

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Mr. Shashikant E. Shekade, Advocate for the Applicant.
Mr. N. D. Raje, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26-10-2026
PRONOUNCED ON : 28-10-2026

ORDER :

1. Instant application is for suspension of sentence and grant of bail as a result of Judgment and order dated 01-07-2026 passed by the learned Additional Sessions Judge-2, Beed in Sessions Case No. 114 of 2023 thereby convicting the applicant for the offence punishable under Section 304 part II of the Indian Penal Code (IPC).

2. The learned counsel for the applicant submits that, applicant is convicted for offence under Section 304 Part II of the IPC and sentenced to suffer rigorous imprisonment for five years and to pay fine. That, he is behind bars for 3 years and 6 months. That, merely

18 months of sentence have remained. That, applicant has a good case on merits in appeal, but as appeal is of 2026, there are no immediate prospects of hearing appeal in near future. For said reasons, relief of suspension of sentence and grant of bail is urged for.

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

4. Heard. Perused the papers.

5. Record shows that vide Sessions Case No.114 of 2023, applicant is convicted for offence under Section 304 Part II of the IPC and he has been sentenced to suffer rigorous imprisonment for five years. Submission is made across the bars that applicant is behind bars since 3 years and 6 months. Operative part of the Judgment also shows that applicant was in judicial custody. Therefore, there are reasons to believe that applicant is behind bars since 3 years and 6 months. Apparently sentence awarded is rigorous imprisonment for 5 years. Therefore, merely 18 months are still to go. There is appeal against Judgment and order of conviction, but as it is of 2026, it may not be heard in immediate near future. Therefore, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant - Suresh @ Chitteshwar Gulab Rathod in Sessions Case No. 114 of 2023 by the learned Additional Sessions Judge-2, Beed vide Judgment and order dated 01-07-2026, stands suspended till the final hearing and disposal of Criminal Appeal No.597 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. 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.

VI. 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.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

SPT