IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

904 CRIMINAL APPLICATION NO. 4360 OF 2026
IN APEAL/818/2026

VINAYAK KACHRUDAS KAPKAR
*VERSUS*
THE STATE OF MAHARASHTRA AND ANOTHER
....
Mr. Vinod Shriram Sakhare, Advocate for Applicant
Mr. S. M. Ganachari, APP for Respondent No.1 - State
Mr. Avishkar S. Shelke, Advocate for Respondent No.2
....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 27 October, 2026

PER COURT :-

1. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Sessions Judge, Aurangabad, District Aurangabad in Special Case MSEB No. 166 of 2019 dated 15.09.2019, convicting applicant for the offence under Sections 135 and 138 of Electricity Act.

2. Learned counsel for applicant submits that the applicant faced trial vide above special case and he came to be convicted that he has been directed to pay fine of Rs.10,78,080/-. Out of the said amount Rs. 4,70,000/- has been paid. Remaining

amount is yet to be paid. However, appeal has been preferred and appeal is being of 2026, as it may not be heard earlier, he urges for relief of suspension of sentence and grant of bail.

3. Learned APP and Mr. Avishkar Shelke, learned counsel for respondent No.2 opposed on the ground that on full fledged trial conviction has been recorded.

4. After considering the above submissions and that sentence is only to pay fine amount and that part payment of fine amount i.e. Rs.4,70,000/- is shown to be paid and that, appeal is of 2026, may not be heard in near future, relief as prayed deserves to be granted. Hence, the following order:-

**ORDER**

(i) Criminal Application stands allowed.

(ii) The substantive sentence imposed on the applicant Vinayak Kachrudas Kapkar by the learned Sessions Judge, Aurangabad, in Special Case MSEB No.166 of 2019 dated 15.09.2026 stands suspended till final hearing and disposal of Criminal Appeal No.818 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 the bail granted to the applicant.

(vii) Bail before the trial Court.

[ ABHAY S. WAGHWASE, J. ]

SMS