2026:BHC-AUG:52282

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4463 OF 2026
IN CRIMINAL APPEAL NO. 904 OF 2026

Bhausaheb s/o Babaji Chaudhari
Age: 50 years, Occu.: Agri.,
R/o. Diksal, Taluka Parner,
District Ahmednagar **… Applicant**
[Accused]

Versus

The State of Maharashtra
Through Police Inspector,
Parner Police Station, Parner,
Taluka Parner, District Ahmednagar **… Respondent**

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Mr. Hemant U. Dhage, Advocate for the Applicant.
Mr. V. S. Badakh, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 27.10.2026
PRONOUNCED ON : 28.10.2026

ORDER :

1. Vide instant application, the applicant seeks suspension of sentence awarded by the learned Ad-hoc District Judge-3 and Additional Sessions Judge, Ahmednagar, vide judgment and order dated 21.07.2026 in Sessions Case No.40 of 2020, thereby convicting the applicant of the offence punishable under Section 353 and 506 of the Indian Penal Code [IPC]. The applicant has also prayed for his release on bail.

2. Learned counsel for the applicant would submit that, applicant has been awarded imprisonment for three years for offence under Section 353 of IPC. That, there are allegations of tearing court warrant. However, procedure contemplated for lodging complaint has not been followed. That, vital admissions have come in the cross of complainant PW2 and pancha to spot claims to be oblivious of the incident. Neighbours, though examined by police, are not witnesses before the court and as such, according to learned counsel, there are several points to be dealt but in appeal, which will not be heard in immediate near future and for above reasons, considering fixed term sentence coupled with above submissions, he urges for relief of suspension of sentence and grant of bail.

3. Learned APP opposed on the ground that, it is proved by prosecution that accused has torn court warrant. That, there is eye witness account. According to him, there is conviction upon full fledged trial on complete appreciation of evidence, and therefore he prays to reject the application.

4. Heard. Perused the papers. Applicant seems to have faced trial for offence under Sections 353, 323, 504 and 506 of IPC and seems to be convicted for offence under Sections 353 and 506 of IPC. Sentence

awarded by learned trial court is of three years' imprisonment. Taking into account the above submissions and as sentence is of fixed term of three years and as appeal may not be heard in immediate near future, and also taking into account that the applicant was on bail during trial, 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 Bhausaheb s/o Babaji Chaudhari in Sessions Case No.40 of 2020 by the learned Ad-hoc District Judge-3 and Additional Sessions Judge, Ahmednagar, vide judgment and order dated 21.07.2026 stands suspended till the final hearing and disposal of Criminal Appeal No.904 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.]

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