2026:BHC-AUG:54201

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4536 OF 2026
IN APEAL/910/2026

Ashok Shivaji Kadam,
Age 40 yrs., Occ. Labour,
R/o Sandas Chincholi, Tq. Majalgaon,
Dist. Beed.

... Applicant

... Versus ...

The State of Maharashtra
Through Police Station Officer,
Rural Police Station, Majalgaon,
Tq. Majalgaon, Dist. Beed.

... Respondent

...

Mr. Pandurang Bondar, Advocate h/f Mr. S.S. Randive, Advocate for applicant

Mr. V.S. Badakh, APP for sole respondent

...

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02nd NOVEMBER, 2026

PRONOUNCED ON : 04th NOVEMBER, 2026

ORDER :

. Present application is filed for suspension of substantive sentence for grant of regular bail, as a result of judgment and order of conviction

dated 30.09.2026 rendered by learned Additional Sessions Judge, Majalgaon, Dist. Beed in Sessions Case No.33 of 2023.

2 It is submitted that applicant came to be convicted for offence under Section 353 and 379 of the Indian Penal Code, 1860 and maximum sentence is one year with fine. That fine amount is paid. That appeal against conviction has been preferred, but the same may not be heard immediately in future. There are allegations of committing theft of sand. For all above reasons relief of suspension of sentence and grant of bail is urged for.

3 Learned APP opposed on the ground that on full fledged trial conviction is recorded.

4 After taking into account the above submissions in precisely the fixed short term sentence awarded by trial Court and appeal being of 2026 as may not be heard earlier, relief of suspension of sentence as prayed is granted. Hence, following order.

ORDER

(i) Criminal Application stands allowed.

(ii) The substantive sentence imposed on the applicant **Ashok Shivaji Kadam** in Sessions Case No.33/2023 by the learned Additional Sessions

Judge, Majalgaon, Tq. Majalgaon, Dist. Beed vide Judgment and order dated 30.09.2026, stands suspended till the final hearing and disposal of Criminal Appeal No.910 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, 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.)

agd