



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3126 OF 2025
IN
CRIMINAL APPEAL NO.945 OF 2024

Rajendra S/o. Balasaheb Jarhad,
Age : 32 years, Occu. : Agriculture,
R/o. Village Parada, Tq. Ambad,
Dist. Jalna.

... Applicant

Versus

The State of Maharashtra,
Through the Police Station Officer,
Police Station Ambad,
Tq. Ambad, Dist. Jalna.

... Respondent.

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Mr. Rajendrraa Deshmukh, Senior Counsel a/w Mr. Vishal Chavan
and Mr. Harshal Nandre i/b. Mr. Ramankumar G. Dodiya, Advocate
for Applicant.

Mr. V. M. Jaware, APP for Respondent - State.

Mr. Siddhesh Arvind Deshmukh, Advocate for Intervenor (Asstt. to
APP).

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 APRIL 2026

PRONOUNCED ON : 06 APRIL 2026

ORDER :

1. Instant application is for suspension of sentence awarded
by learned Additional Sessions Judge, Ambad, Dist. Jalna in Sessions
Case No. 41 of 2021 (Old Sessions Case No.29 of 2017) for offence
punishable under sections under sections 307 r/w section 149,
section 324 r/w section 149, 143, 148 of Indian Penal Code and prays
for grant of bail.

2. According to learned Senior Counsel, applicant was tried vide above sessions case for above offence. That, there is a false implication. That, there are general and vague allegations against all six accused. That, present applicant is shown as accused no.6 and his role is not crystallized. He is indiscriminately without any foundation impleaded as accused. That, against the said conviction, appeal has been preferred, but appeal being of 2024, will take sufficiently long time to be heard and decided. He further pointed out that, applicant was beneficiary of anticipatory bail and even during trial he was on bail. That, he is behind bars since almost two years and there are no immediate prospects of hearing the appeal.

3. He further pointed out that, moreover, the very informant and injured have tendered affidavit in the Court that they have no objection for suspending the sentence and grant of bail. For above reasons, he urges to suspend the sentence and grant him bail.

4. Learned APP would oppose on the ground that, serious offence is committed and rather proved against the accused. According to him, there is application of section 149 of IPC and there is common object. Therefore, there is no need for demonstrating distinct role or participation. He submitted that, there is use of stick in the incident and moreover injuries are inflicted on the head. Learned APP inviting attention of this Court to paragraph nos. 46

and 51 of the judgment while opposing the relief of suspension of sentence and grant of bail .

5. Learned counsel for informant Bhanudas and injured Shivnath would submit that, they both have no objection for extension of benefit of suspension of sentence, at this stage. Their affidavits are said to be placed on record.

6. Heard. This is an application for suspension of sentence and grant of bail. Papers show that, present applicant was tried vide Sessions Case No.41 of 2021 for offence punishable under sections 307 r/w section 149, section 324 r/w section 149, 143, 148 of Indian Penal Code. Sentence awarded for section 307 r/w section 149 is 10 years and for rest of the offences, one year and six months, respectively, sentences have been imposed.

7. Admittedly, judgment and order of conviction dated 19.02.2024 is challenged by way of appeal, and the same is pending. Statement is made across the bar that initially applicant was beneficiary of anticipatory bail and even during trial he was on bail. Post conviction, he is behind bars for last two years. Appeal is of 2024, and therefore, there are no immediate prospects of hearing the appeal. Here, there are affidavits by very informant as well as injured stating that they have no objection for relief of suspension of sentence and grant of bail. Consequently, in the light of above

discussion, 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 Rajendra S/o. Balasaheb Jarhad in Sessions Case No. 41 of 2021 (Old Sessions Case No.29 of 2017) by learned Additional Sessions Judge, Ambad, District Jalna on 19.09.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.945 of 2024.
- 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 they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicants 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 applicants.
- VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)