



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3802 OF 2025
IN
CRIMINAL APPEAL NO. 746 OF 2025

Sudam Asaram Harne

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. R.M. Gaikwad, Advocate h/f Mr. M.N. Kolhe and Mr. A.S. Janrao,
Advocates for applicant

Ms. U.S. Bhosale, A.P.P. for respondent no.1 – State

Ms. S.D. More, Advocate for respondent no.2 (appointed)

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CORAM : RAJNISH R. VYAS, J.

DATE : 20th JANUARY, 2026

PER COURT :

. The applicant/original Accused No.1 has filed this application for grant of bail and suspension of sentence. He was convicted by the Special Judge (SC & ST Act), Aurangabad in Special Case No. 234 of 2020 dated 05th August, 2025 for commission of offences punishable under Sections 354 and 354-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2,500/- for each offence. Default sentence is also imposed.

2. This Court, vide order dated 08th October, 2025 has suspended the sentence imposed upon the applicant till next date.

3. Learned counsel for the applicant submitted that all throughout the trial, the applicant was on bail. He did not misuse the liberty and cooperated for early completion of trial. According to him, after pronouncement of judgment of conviction, he surrendered to the custody of the trial Court and filed an application for suspension of sentence and grant of bail, which was allowed by the trial Court. He further submits that he has arguable case in appeal.

4. Per contra, learned A.P.P. and learned counsel for Respondent No.2/victim submits that the sentence may not be suspended as the trial Court has delivered the judgment on proper appreciation of evidence.

5. I have gone through the record. The sentence imposed upon the applicant is for short term. The applicant has already deposited the fine amount. It is not even the case of prosecution that he has misused the liberty. PW 1 / informant's testimony will have to be tested in the background of grounds raised by the applicant in appeal memo. In that view of the matter, following order is passed :-

ORDER

(I) Criminal application is allowed.

(II) Interim order dated 08th October, 2025 passed by this Court, whereby the applicant is granted bail and suspended the sentence, stands confirmed till decision of appeal.

(III) Ms. Shubhangi D. More, learned counsel appointed to represent Respondent No.2 / victim, has ably assisted the Court. In that view, her fees be quantified to the tune of Rs.7,000/-.

(RAJNISH R. VYAS, J.)

SSD