



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**912 CRIMINAL APPLICATION NO. 4171 OF 2025
IN APPEAL/843/2025**

GOVINDU MAHADU KARHALE AND ANOTHER
....Applicants

VERSUS

THE STATE OF MAHARASHTRA
.....Respondent

Mr. A. S. More, Advocate h/f Mr. M. K. Jadhav, Advocate for the
applicants
Ms. U. S. Bhosale, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 28th JANUARY, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence. The applicants who are accused have been convicted for the commission of offences punishable under sections 353, 323, 341 read with Section 34 of the Indian Penal Code (for short 'the IPC'). For commission of offence punishable under Section 353 of the IPC the applicants were directed to suffer simple imprisonment for six months and to pay fine of Rs.1000/-, in default to suffer simple imprisonment for 10 days. For commission of offence punishable under Section 323, similar sentence was imposed. So far as commission of offence under Section 341 is concerned, the applicants

were directed to pay fine of Rs.500/-. Sentences were ordered to run concurrently. The applicants have been acquitted for commission of offences punishable under sections 504, 506 read with section 34 of the IPC and sections 146 punishable under Section 177 of the Motor Vehicle Act.

2. Learned advocate for the applicants submitted that all through out the trial, they were on bail and they did not misuse the liberty. He further submitted that they cooperated for early completion of trial. According to him, after pronouncement of judgment by the learned Additional Sessions Judge, they surrendered to the custody of the court and thereafter applied for suspension of sentence, which was granted by the trial court. He further stated that he has arguable points in the appeal.

3. Per contra, learned APP has contended that conviction rendered is based on proper appreciation of evidence and in order to bring home the charge, the prosecution has examined six witnesses including PW-1 who was informant. Learned APP further submitted that cogent and reliable material is available on record and therefore, the application may not be entertained.

4. I have given my thoughtful consideration to the argument advanced, so also I have gone through the record of the case. Maximum sentence is of six months and the applicants have

deposited the fine amount. It is not disputed that the applicants were on bail during the trial and they did not misuse the liberty. Thus, considering the fact that decision on the appeal will take time and sentence imposed upon them is of fixed term, I am inclined to allow the application. There is one more reason to arrive at conclusion that the applicants are already acquitted for commission of offences punishable under sections 504, 506 read with section 34 of the IPC and sections 146 punishable under Section 177 of the Motor Vehicle Act and therefore, the evidence will have to be tested in the light of grounds raised in the memo of appeal. As the arguable points are involved, the application is allowed. Hence the following order is passed:

ORDER

- a] The criminal application is allowed.
- b] Sentence imposed upon the applicants for commission of offences punishable under sections 353, 323, 341 read with Section 34 of the Indian Penal Code in Sessions Case No. 37/2021 dated 17-12-2025, passed by the Additional Sessions Judge, Hingoli is hereby suspended till final decision of the appeal.

- c] The applicants be released on bail on same terms and conditions as were imposed by the trial court.
- d] The application is disposed off accordingly.

[RAJNISH R. VYAS, J.]

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