



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4793 OF 2025

IN

CRIMINAL APPEAL NO. 964 OF 2025

Santosh Baburao Gaikwad,
Age : 53 Years, Occu : Service,
R/o. Settlement Free Colony No.6,
Solapur, Tq. & Dist. Solapur

...APPLICANT

VERSUS

The State of Maharashtra
Through Officer In charge,
Police Station Lohara,
Dist. Osmanabad

...RESPONDENT

WITH

CRIMINAL APPEAL NO. 964 OF 2025

WITH

CRIMINAL APPEAL NO. 2 OF 2026

Ms. Neha Udavant h/f Mr. Salunke Sudarshan J., Advocate for the
Applicant.

Ms. A. S. Deshmukh, APP for Respondent – State.

CORAM : RAJNISH R. VYAS, J.

DATE : JANUARY 16, 2026

PER COURT :

1. Heard.

2. This is an application for suspension of sentence and grant
of bail. The applicant / original accused No.1 was convicted for the
commission of an offence punishable under Sections 7 and 13(1)(d) of

the Prevention of Corruption Act, 1988, by the Special Judge, Omerga, Dist. Osmanabad, in Special (ACB) Case No.02 of 2017, and was directed to suffer rigorous imprisonment for period of three years and to pay fine of ₹ 2,500/-.

3. Ms. Udavant, learned counsel appearing for the appellant, submits that all throughout the trial he was on the bail and did not misuse his liberty. After pronouncement of the judgment, he surrendered to the custody of the Court and preferred an application for suspension of sentence and grant of bail, which was decided favourably in his favour. She further submits that there is nothing on record to show that, at any point of time liberty was misused.

4. According to the learned counsel for the appellant, if the testimony of the complainant and the shadow witness is perused, it would reveal that the conviction ought not to have been awarded by the Trial Court.

5. Per contra, learned APP submits that the reasoning given by the Trial Court is just and proper and there is absolutely no merit in an application preferred by the applicant.

6. Be that as it may be, I have gone through the record of the case. The testimony of the complainant and the shadow witness will have to be tested in the background as to whether the demand was rightly proved or not. Even the question of grant of sanction will have to be tested in the light of the law laid down by the Hon'ble Apex Court in various judgments.

7. Further the sentence imposed upon accused No.2 is already suspended.

8. As the applicant was on bail throughout the trial and sentence imposed upon him is of a fixed term, so also considering the fact that there are triable issues involved in the appeal, I am inclined to suspend the sentence. Hence, the following order :

ORDER

- A) The sentence imposed by the Special Judge, Omerga, Dist. Osmanabad in Special (ACB) Case No.02 of 2017 dated 03rd December 2025, for the commission of an offence punishable under Sections 7 and 13(1) (d) of the Prevention of Corruption Act, sentencing the appellant to suffer rigorous imprisonment for three years is hereby suspended.

- B) The applicant be released on bail on the same terms and conditions as were imposed by the Trial Court.
 - C) The application stands disposed of.
9. The applicant shall remain present in the Court at the time of final hearing.

(RAJNISH R. VYAS, J.)