



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

**9 CRIMINAL APPLICATION NO. 5021 OF 2025
IN APEAL/989/2025**

DEVENDRA BABURAO AVHAD

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Avinash Patil, Advocate h/f Mr. A. K. Bhosle, Advocate for the applicant

Ms. A. s. Deshmukh, APP for the respondent/State

CORAM : RAJNISH R. VYAS, J.

DATE : 19th JANUARY, 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail.

2. Applicant/original accused was convicted by Additional Sessions Judge, Aurangabad in Sessions Case No. 275/2024 on 27-11-2025 for commission of offences punishable under sections 353, 332 and 504 of the Indian Penal Code [for short 'the IPC']. He was directed to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.500/-, in default to suffer imprisonment for three months, for the commissions of offence under Sections 353. He was further directed to suffer rigorous imprisonment for a period of three years and to pay a fine of Rs.500, in default to suffer

imprisonment for a period of three months for commission of offence punishable under Section 332. He was also directed to suffer rigorous imprisonment for a period of one year and to pay fine of Rs.500/-, in default to suffer imprisonment for a period of three months for commission of offence punishable under section 504. The sentences were ordered to run concurrently.

3. Learned advocate for the applicant submits that all through out the trial, he was on bail and he did not misuse the liberty. He further submits that he cooperated for early completion of trial. He fairly submits that the applicant is not arrested by the police though the period granted by trial court for preferring the appeal is expired. He further submits that he has deposited amount of fine. He further states that he has arguable points in the appeal.

4. Per contra, learned APP has opposed the application by arguing that cogent and reliable material is available. She also submits that the evidence available on record clearly shows that the charge against the accused is made out. The accused cannot be extended benefits since the protection granted by the trial court has already expired.

5. Be that as it may, suffice it to say that there are many arguable points involved. Considering the fact that the sentence imposed upon the applicant is of fixed term and maximum sentence

is of three years. The applicant was on bail during the course of the trial and he did not misuse the liberty. Final hearing of the appeal will take some time and thus following order is passed:

ORDER

- a. Criminal application is allowed.
- b. Sentence imposed by the by Additional Sessions Judge, Aurangabad in Sessions Case No. 275/2024 dated 27-11-2025 for commission of offences punishable under sections 353, 332 and 504 of the Indian Penal Code is hereby suspended till decision of the appeal.
- c. Applicant be released on bail on same terms and conditions as were imposed by the trial court.
- d. The applicant shall remain present in the court at the time of final hearing of the appeal.

[RAJNISH R. VYAS, J.]