



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 348 OF 2026
IN REVN/34/2026

Sunil Vittalrao Birajdar

VERSUS

The State Of Maharashtra

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Mr. A. D. Kulkarni, Advocate for Applicant

Mr. S. G. Sangle, APP for Respondents

CORAM : ABHAY S. WAGHWASE, J

DATE : JANUARY 23, 2026

PC :

1. Present application is for suspension of sentence and grant of bail as a result of conviction recorded by learned Judicial Magistrate First Class, Omerga, Dist. Dharashiv in Summary Criminal Case No. 56/2008 vide judgment and order dated 06.02.2015 and further confirmed by learned Additional Sessions Judge, Omerga, Dist. Dharashiv in Criminal Appeal No.05.2015 vide judgment and order dated 21.01.2026.

2. Learned Counsel for the Applicant submits that, present Applicant has been tried for offences under Sections 279, 304-A, 337 of the Indian Penal Code. That, learned Judicial Magistrate First Class, Omerga was pleased to convict the Applicant for above offence. The said judgment was challenged before learned Additional Sessions Judge,

Omerga by filing Criminal Appeal No. 05/2015, however, even learned First Appellate Court was pleased to confirm the conviction and reject the appeal, against which, present Revision has been filed. He submits that Applicant has been taken into custody by virtue of above orders. That, in Trial Court as well as before Appellate Court Applicant was on bail. That, during the pendency of the Revision, present Application for bail is pressed into service. That, Applicant has good case on merit in Revision and has every hope in succeeding the case. According to him, there are several infirmities in the impugned judgment and order. However, as much more time would be required to hear Revision, he urges to grant of bail.

3. Learned APP for Respondent/State strongly opposes the Application on the ground that, serious offences has been committed by Applicant and there are several deaths in the accident and he submits that, Revision can be taken up earlier, if so desire.

4. After considering the above submissions and on going through the papers, it appears that, learned JMFC has awarded the conviction, which was confirmed by the learned Appellate Court. It seems that, maximum sentence awarded to the Applicant is of 3 months. There is no adverse remark found and fine amount is said to be paid.

5. In the light of above and considering the nature of proceedings and as Revision is yet to be heard, relief of bail deserves to be granted.

6. In view of above, following order:

O R D E R

- (a) Criminal Application stands allowed.
- (b) Substantive sentence imposed on applicant by learned Judicial Magistrate First Class, Omerga, Dist. Dharashiv in Summary Criminal Case No. 56/2008 vide judgment and order dated 06.02.2015 and further confirmed by learned Additional Sessions Judge, Omerga, Dist. Dharashiv in Criminal Appeal No.05/2015 vide judgment and order dated 21.01.2026, stands suspended till the final hearing and disposal of present Criminal Revision Application.
- (c) The applicant be released on bail on P.R. Bond of Rs. 15,000/- (Rupees fifteen thousand only) with one solvent surety in the like amount.
- (d) The applicant shall not commit any criminal activity.
- (e) Bail before trial Court.

(ABHAY S. WAGHWASE, J.)

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