



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

**910 CRIMINAL APPLICATION NO. 381 OF 2026
IN APPEAL/52/2026**

SATISH RAMDAS SHIROLE AND OTHERS

....Applicants

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Sandip R. Andhale, Advocate h/f Mr. Arvind Gopalrao Ambetkar,
Advocate for the applicants

Ms. A. S. Deshmukh, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 30th JANUARY, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence. The applicants who are original accused Nos. 1 to 7 have been convicted in Sessions Case No. 146/2018 by the Sessions Judge, Ahmednagar on 24-12-2025 for the commission of offences punishable under sections 326 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and pay fine of Rs.25,000/- each, in default to suffer simple imprisonment for 2 months. The applicants are acquitted for the commission of offences punishable under Sections 143, 147, 148, 307, 323, 324, 504 and 506 read with Section 149 of the IPC.

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. He submitted that Ramdas & Satish and Baban have under gone 116 days imprisonment, wheres Sharad is concerned he has under gone 20 days and Ranjana, Ashwini and Lilabai have under gone 42 days. 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. He further submitted that considering the length of sentence which is of fixed term, their sentence be suspended. He also made statement that fine amount is already deposited.

3. Per contra, learned APP has contended that conviction rendered is based on proper appreciation of evidence and sentence may not be suspended. In order to bring home the charge, the prosecution has in fact examined nine witnesses. PW-2 was the injured person. Testimony of PW-2 will have to be appreciated in the light of grounds raised in the memo of appeal. 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. 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 143, 147, 148, 307, 323, 324, 504 and 506 read with Section 149 of the IPC 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 326 of the Indian Penal Code in Sessions Case No. 146/2018 dated 24-12-2025 passed by the Additional Sessions Judge, Ahmednagar 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.]

VishalK/910criapln381.26