



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO. 406 OF 2026
IN REVN/37/2026
WITH
CRIMINAL REVISION APPLICATION NO. 37 OF 2026

RAJKUMAR VYANKAT ALIAS BANKAT KARNURE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Someshwar Sanjay Birajdar
APP for Respondent - State : Mr. S. M. Ganachari
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 29 JANUARY 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail on account of conviction awarded by learned Judicial Magistrate First Class, Omerga on 23.12.2016 in R.C.C. No.123 of 2009, which came to be confirmed by learned Additional Sessions Judge, Omerga, Dist. Dharashiv in Criminal Appeal No.4 of 2017.

2. It is submitted that, applicant was tried by learned J.M.F.C., Omerga vide R.C.C. No.123 of 2009. That, charges were framed for offence punishable under sections 452, 353, 504 and 506 of Indian Penal Code and trial culminated into conviction by order dated 23.12.2016. The said order of conviction is questioned by filing of Criminal Appeal bearing No. 4 of 2017, but the first appellate court was pleased to confirm the same.

3. Learned counsel submitted that, applicant was on bail in the proceedings before the trial court as well first appellate court. That, fine amount has already been paid. That, sentence awarded is only short term sentence. That, revision is of 2026 and therefore there are no immediate prospects of hearing the revision in near future. That, applicant has a good case on merits in revision, and so during its pendency, it is prayed that, sentence awarded be suspended and the appellant be granted bail.

4. Learned APP opposed the application and submitted that, both, the learned trial court as well as first appellate court had meticulously appreciated the evidence and recorded guilt, and therefore he prays to reject the application.

5. After considering the above submissions and on going through the operative part of the judgment of learned trial court, it seems that, maximum sentence awarded by trial court is one month. Statement is made across the bar that fine amount is already paid. Taking the above submissions into consideration, quantum of sentence and as there are no immediate prospects of hearing the revision, which is of 2026, the sentence awarded is required to be suspended. Hence, the following order is passed :

ORDER

I. Criminal Application stands allowed.

- II. The substantive sentence imposed on the applicant Rajkumar Vyankat alias Bankat Karnure in R.C.C. No.123 of 2009 by the learned J.M.F.C., Omerga, on 23.12.2016, which is confirmed by learned Additional Sessions Judge, Omerga by order dated 27.01.2026 in Criminal Appeal No.4 of 2017, stands suspended till the final hearing and disposal of Criminal Revision Application No.37 of 2026.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- IV. The applicant shall not commit any criminal activity.
- V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)