

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CRIMINAL APPLICATION NO. 539 OF 2026
IN APPEAL/94/2026

SANTOSH MOHAN PANDE AND OTHERS

....Applicants

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Ms. Varsha Karwade, Advocate h/f Mr. T. M. Venjane, Advocate for
the appellants

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

CORAM : RAJNISH R. VYAS, J.

DATE : 09th FEBRUARY, 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail.
2. Applicants/original accused were convicted for commission of offences punishable under sections 325, 323, 147 read with Section 149 of the Indian Penal Code (for short 'the IPC') and Sections 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (for short 'the Atrocities Act'). The maximum sentence imposed upon the applicants is of three years.
3. Learned advocate for the applicants submitted that considering the length of the sentence imposed upon them and the

fact that all through out the trial, they were on bail and they did not misuse the liberty, they be released on bail. She further submitted that they cooperated for early completion of trial. According to her, after pronouncement of judgment by the learned Additional Sessions Judge, Udgir of conviction, they surrendered to the custody of the court and thereafter applied for suspension of sentence, which was granted by the trial court. She further stated that the accused who were tried along with the applicants are acquitted. She further stated that accused have arguable points in the appeal.

4. Per contra, learned APP has opposed the application by arguing that cogent and reliable material is available on record. She also submitted that the offence is serious and the trial court has awarded the conviction after considering the evidence available on record. She submitted that the informant is still not served with the notice.

5. I have considered the length of sentence imposed upon them so also the fact that that the sentence imposed upon the applicants, is of fixed term and the applicants were on bail during the course of the trial and they did not misuse the liberty. Thus, till the informant of the crime is served, I hereby pass the following order:

ORDER

a. Sentence imposed by the learned Additional Sessions Judge, Udgir in Special Case (Atro.) No. 8 of 2016 vide judgment dated 06-01-2026 of convicting the applicants for commission of offences under Sections 325, 323, 147 read with Section 149 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is hereby suspended till the next date of hearing.

b. Applicants be released on bail on same terms and conditions as were imposed by the trial court.

6. Issue notice to the respondents, returnable on 4-03-2026. The learned APP waives service of notice for the respondents/State.

[RAJNISH R. VYAS, J.]