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

**913 CRIMINAL APPLICATION NO. 608 OF 2026
IN APPEAL/111/2026**

KALYAN KISANRAO LAWANDE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. S. R. Andhale, Advocate for the applicant
Mr. V. K. Kotecha, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 11th FEBRUARY, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence awarded by the Additional Sessions Judge, Ahmednagar in Sessions Case No. 416 of 2019 dated 27-01-2026 convicting the applicant for the commission of offences punishable under Section 304 of the Indian Penal Code and Section 134(a)(b) read with Section 177 of the Motor Vehicle Act. Maximum sentence imposed upon the applicant is of three years.

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 submitted that fine amount is already deposited. He further submits that he cooperated for early completion of trial.

According to him, after pronouncement of judgment of conviction, he surrendered to the custody of the court and thereafter applied for suspension of sentence, which was granted by the trial court. He further states that arguable points are involved in the appeal. Considering the fact that the sentence imposed upon the applicant is of fixed terms the applicant be released on bail.

4. Per contra, learned APP submitted that the judgment rendered by the trial court is based on proper appreciation of evidence and in fact PW-2 who was eye witness has supported the case of the prosecution. He thus, prayed for dismissal of the application.

5. I have gone through record of the case. Suffice it to say that there are arguable points involved. The sentence imposed upon the applicant, is of fixed term and the applicant was on bail during the course of the trial and he did not misuse the liberty. Since the testimony of PW-2 will have to be looked into in the light of the grounds raised in the appeal and and it will take some time, I am inclined to allow the application. Hence, I hereby pass the following order:

ORDER

- a. Criminal application is allowed.

- b. Sentence imposed by the Additional Sessions Judge, Ahmednagar in Sessions Case No. 416 of 2019 dated 27-01-2026 convicting the applicant for the commission of offences punishable under Section 304 of the Indian Penal Code and Section 134(a)(b) read with Section 177 of the Motor Vehicle Act 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.

[RAJNISH R. VYAS, J.]