



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

**CRIMINAL APPLICATION NO. 644 OF 2026
IN APPEAL/184/2026**

Gopal S/o Manikrao Birajdar
Age: 41 years, Occu.: Agri.,
R/o. Hisamnagar (Mategadi),
Tq.Deoni, Dist.Latur.

....Applicant
(Orig. Accused)

Versus

The State of Maharashtra
Through Police Station,
Deoni, District Latur.

.....Respondent

.....
Advocate for Applicant : Mr.Maroti Govind Kedar
APP for Respondent : Mrs.Saie S.Joshi

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 07 APRIL, 2026

PRONOUNCED ON : 09 APRIL, 2026

ORDER :-

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge, Udgir in Sessions Case No.6 of 2020 recording conviction under Sections 353, 332, 379 of the Indian Penal Code (IPC).

2. Learned counsel for applicant submitted that, applicant was tried vide above Sessions case and was held guilty for above offences. He pointed out that, maximum sentence awarded is of two years i.e. for offence under Section 332 of the IPC. That, applicant was on bail during trial. That, fine amount is paid. That, against said judgment and order of conviction, appeal has been preferred but there are no immediate prospects of hearing the appeal and on all above grounds, reliefs of suspension of sentence and grant of bail are urged for.

3. Learned APP opposed on the ground that, on full-fledged trial, charges are proved. That, there is assault on public servant. That, there is eye witness account.

4. After considering above submissions and on going through papers, it is emerging that present applicant was tried vide Sessions Case No.6 of 2020 for commission of offence under Sections 353, 332, 379, 504, 506 of the IPC. As pointed out, learned trial Court has sentenced applicant to suffer R.I. for one year for offence under Section 353 of the IPC, R.I. for two years

for offence under Section 332 of the IPC and R.I. for six months for offence under Section 379 of the IPC. Fine amount also is imposed but the same shown to be paid. Thus, maximum sentence is of two years. Appeal against said judgment and order of conviction is of current year and there are no immediate prospects of hearing the same. Taking the nature of accusations into account, the fact that applicant was on bail during trial and above uncertainty about hearing the appeal in immediate near future, relief as prayed deserves to be granted.

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Gopal S/o Manikrao Birajdar by the learned Additional Sessions Judge, Udgir, in Sessions Case No.6 of 2020 dated 25-02-2022 stands suspended till final hearing and disposal of Criminal Appeal No.184 of 2026.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand only) with two solvent sureties 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 the bail granted to the applicant.
- (vii) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE