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915criapln736.26

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

**915 CRIMINAL APPLICATION NO. 736 OF 2026
IN APEAL/126/2026**

RAVI VALJNATH GITTE AND OTHERS

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. P. P. More, Advocate for the applicants
Mrs. M. S. Ghanekar, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 20th FEBRUARY, 2026

PER COURT :

1. This is an application for suspension of sentence and for grant of bail at the instance of original accused Nos. 2, 3 and 4 who were convicted in Sessions Case No. 49/2019 for commission of offences punishable under Section 201 of the IPC vide judgment dated 15-01-2026 by Additional Sessions Judge, Ambajogai. The sentence imposed upon the applicants is of three years imprisonment and fine of Rs.5,000/-.

2. Learned advocate for the applicants submitted that all through out the trial the applicants were on bail and they did not misuse the liberty and in fact, they cooperated for early completion of trial.

3. Per contra, learned APP submitted that though the punishment is of three years, the testimony of PW-4 and other witnesses would reveal that the conviction is awarded on the basis of strong evidence which is in favour of the prosecution. She states that the accused and the family of the complainant are residing in same area and therefore, possibility cannot be ruled out that the applicants would misuse their liberty.

4. I have gone through the record of the case. After appreciation of evidence, the applicants are convicted for commission of offences punishable under Section 201 of the IPC. The applicants were on bail all through out the trial and did not misuse their liberty. Sentence imposed upon the applicants is of fixed term and they can ask to undergo same if the appeal is otherwise decided. The court in para 87 of the judgment has distinguished the role played by the principal accused and the present applicants. According to the case of the prosecution the applicants had threatened PW-2 and 3 and asked not to disclose the crime and support the theory of accidental death. Testimony of witness will have to be considered in the light of the grounds raised memo of appeal. Since, the applicants have already deposited the fine amount and they were on bail all through out the trial, I am inclined to allow the application. Hence, the following order is passed:

ORDER

- a] The application is allowed.
- b] The sentence imposed upon the applicants in Sessions Case No. 49/2019 for commission of offences punishable under Section 201 of the IPC vide judgment dated 15-01-2026 by Additional Sessions Judge, Ambajogai is hereby suspended till the decision on the appeal.
- c] The applicants shall be released on same terms and conditions as were imposed by the trial court.

[RAJNISH R. VYAS, J.]