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

**913 CRIMINAL APPLICATION NO.738 OF 2026
IN CRIMINAL APPEAL NO. 128 OF 2026**

VISHWAJIT RAMESH KASAR

....Appellant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Sohail Subhedar Shaikh, Advocate h/f Mr. P. P. Giri, Advocate for
the applicant

Mr. V. K. Kotecha, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 24th FEBRUARY, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence. The applicant is convicted in Sessions Case No. 312/2022 by the Additional Sessions Judge, Ahmednagar on 23-12-2025 for the commission of offences punishable under Sections 353 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for six months and pay fine of Rs.5000/-, in default to suffer rigorous imprisonment for 3 months.

2. Learned Advocate for the appellant submitted that PW-1 is the complainant and PW-2 is the witness. According to the case of the prosecution that the Tata Nexon vehicle was intercepted. When enquiry was done the applicant has abused the police officers and has

in fact obstructed the public servant from performing their duty. He submitted that in fact testimony of PW-1 and 2 will have to be tested in the grounds raised in the memo of appeal. He submitted that all through out the trial, he was on bail and he did not misuse the liberty. He further submitted that he cooperated for early completion of trial. The fine amount is already deposited. He, thus, prays for allowing the application.

3. Per contra, learned APP has contended that offence is against the public servant. The applicant has criminal antecedents. On the day of incident, the police officers were about to apprehend the applicant, but again the applicant obstructed the public servant from performing their official duty.

4. I have given my thoughtful consideration to the argument advanced, so also I have gone through the record of the case. The applicant has deposited the fine amount. It is not disputed that the applicant was on bail during the trial and he did not misuse the liberty. The testimony of PW-1 and 2 will have to be looked into at length. Thus, considering the fact that decision on the appeal will take time and arguable points are made out in the appeal and sentence imposed upon him is of fixed term, I am inclined to allow the application. Hence the following order is passed:

ORDER

- a] The criminal application is allowed.
- b] Sentence imposed upon the applicant for commission of offences punishable under Section 353 of the Indian Penal Code in Sessions Case No. 312/2022 dated 23-12-2025 passed by the Additional Sessions Judge, Ahmednagar is hereby suspended till final decision of the appeal.
- c] The applicant be released on bail on same terms and conditions as were imposed by the trial court.
- d] The application is disposed off accordingly.

[RAJNISH R. VYAS, J.]