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

909 CRIMINAL APPLICATION NO.893 OF 2026

IN

CRIMINAL APPEAL NO. 160 OF 2026

PRAJYOT ALIAS SHIVAM PRAKESH LUNIYA

.....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mrs. Gargee Gujare, Advocate h/f Mrs. S. G. Sonwane, Advocate for
the applicant

Mrs. M. N. Ghanekar, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 07th MARCH, 2026

PER COURT :

1. This is an application for grant of bail and suspension of sentence preferred by the original accused. The applicant was convicted in Sessions Case No.364/2022 passed by the Additional Sessions Judge, Ahmadnagar on 03-02-2026 for commission of offences punishable under Sections 353, 332, 341, 504, 506 r/w 34 of the Indian Penal Code. The maximum sentence imposed upon the applicant is of 6 months. In all total two accused were tried by the trial court.

2. The learned Advocate for the applicant submitted that all through out the trial the applicant was on bail. He did not misuse the liberty. She submitted that the applicant has arguable case in appeal.

3. Per contra Mrs. Ghanekar, learned APP opposed the application.

4. Perusal of the judgment would reveal that in order to bring home the charge, the prosecution has examined seven witnesses. PW-1 is the informant whereas PW-3 is the Medical Officer, PW-5 is the eye witness. It is the case of the prosecution that on 30-03-2025 at about 03.33 pm on highway, in furtherance of common intention the accused persons used criminal force and restrained public servant from discharging the duty. The public servant in the present case was working as ST Driver. The accused persons had restrained the bus by taking their motorcycle in front of the bus and abused him in filthy language.

5. Be that as it may, sentence is of fixed term. The fine amount is already deposited. It is not the case of the prosecution that the accused has misused the liberty. The additional factor is that the accused has surrendered to the custody of the court, after pronouncement of the judgment of conviction and was released on bail.

6. Considering the aforesaid facts, I am of the opinion that the application needs to be allowed. Hence, the following order is passed:

ORDER

- a] The application is allowed.
- b] The sentence imposed upon the applicant in Sessions Case No.364/2022 passed by the Additional Sessions Judge, Ahmadnagar on 03-02-2026 for commission of offences punishable under Sections 353, 332, 341, 504, 506 r/w 34 of the Indian Penal Code is hereby suspended till the decision on the appeal.
- c] The applicant shall be released on bail on same terms and conditions as were imposed by the trial court.

[RAJNISH R. VYAS, J.]