



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

**CRIMINAL APPLICATION NO. 971 OF 2026
IN APPEAL/174/2026**

Yamaji Laxman Khatane
Age: 51 years, Occu.: Service,
R/o. : Plot No.78, Renukanagar,
Shri Tengade Colony,
Garkheda Parisar, Aurangabad.
(Chhatrapati Sambhajanagar)

....Applicant
(Original Accused)

Versus

The State of Maharashtra, through
Police Inspector, Jawaharnagar Police Station,
ACB, Aurangabad
(Chhatrapati Sambhajanagar)

..Respondent

.....

Advocate for Applicant : Shri V.D.Hon, Senior Counsel i/b.
Shri Ashwin Vinayak Hon and Shri A.D.Sonkawade
Advocate for Respondent : Shri B.B.Bhise

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 MARCH, 2026

PRONOUNCED ON : 17 MARCH, 2026

ORDER :-

1. Instant application is for suspension of sentence awarded by learned Additional Sessions Judge-2, Aurangabad in Special (ACB) Case No.32 of 2021 dated 06-03-2026.

2. Learned Senior Counsel Shri Von would point out that applicant is working as Police Head Constable. That, during Covid-19 period, action was initiated for consumption of Pan Masala and police party allegedly conducted trap. That, applicant was one amongst the police party, but he has been involved on allegations that there was demand of Rs.15,000/- for avoiding arrest on consumption of banned products. That, on trial, applicant came to be convicted, but there are serious lapses in the prosecution case and therefore, appeal has been preferred against judgment and order of conviction. According to him, acceptance itself has come under shadow of doubt. That, conviction is recorded for four years. Applicant is in service and the same is in jeopardy. It is pointed out that, applicant was on bail during trial. That, he has already paid the fine amount and as much more time would be required for hearing and deciding appeal which is of 2006, relief of grant of suspension of sentence and bail is urged for.

3. Learned APP opposed on the ground that on full-fledge trial, there is conviction and that sentence awarded is also four

years. On such grounds, he opposed the relief.

4. Considering the above submissions and apparently as appeal against conviction is of current year i.e. 2026 and there being no prospects of immediate hearing of appeal, taking into account nature of allegations and quantum of sentence, relief as prayed deserves to be granted. Accordingly, following order is passed.

ORDER

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Yamaji Laxman Khatane by the learned Additional Sessions Judge-2, Aurangabad, in Special (ACB) Case No.32 of 2021 dated 06-03-2026 stands suspended till final hearing and disposal of Criminal Appeal No.174 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