



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**910 CRIMINAL APPLICATION NO. 1039 OF 2026
IN CRIMINAL APPEAL/195/2026
WITH
CRIMINAL APPEAL NO. 195 OF 2026**

Rameshwar s/o Narsingrao Devkar,
Age : 49 years, Occu : Private Service,
R/o Pangra Hake, Taluka and District Hingoli,
At Present, Hiltop, Hingoli.

... Applicant
[Original Accused]

Versus

1. The State of Maharashtra,
Through Police Station,
Hingoli (City), Hingoli.

2. Mangalpuja w/o Ganpat Athwale,
Age : 33 years, Occupation Service,
R/o. Risala Bazar, Hingoli,
Taluka and District Hingoli.

... Respondents

...
Advocate for Applicant : Mr. Hamzakhan I. Pathan
APP for Respondent No.1-State : Mr. B. B. Bhise

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 27 MARCH, 2026

PER COURT :-

1. Criminal Application No. 1039 of 2026 is for suspension of sentence awarded by learned Special Judge, Hingoli in Atrocity Special Case No. 10 of 2019 against which, appeal has been preferred and pending, i.e. Criminal Appeal No. 195 of 2026.

2. Learned counsel pointed out that, applicant was tried vide above special case for offences under Sections 354-A, 504, 506-II of IPC as well as Sections 3(1)(r), 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. That, by judgment and order dated 06.02.2026 he was held guilty and maximum sentence awarded is of two years. He further pointed out that, appeal against the same is preferred and it is pending. He next submitted that, during trial applicant was on bail. That, fine amount is already paid. Learned counsel pointed out that, even after conviction, learned trial court was pleased to extend the benefit of suspension of sentence till appeal period is over. As appeal would take long time to be heard and decided, he prays for suspension of sentence and grant of bail.

3. Learned APP would strongly oppose on the ground that serious offence is committed. That, victim was belonging to scheduled caste category and on full-fledge trial, conviction has been recorded.

4. After considering the above submissions and on going through the papers, admittedly after conviction learned trial court has suspended the sentence till appeal period is over. From the operative

part of the impugned order, it is emerging that maximum sentence awarded is of two years. It appears that applicant was on bail during trial. Statement is made across the bar that fine amount is paid. In the considered opinion of this Court, as there are no prospects of hearing the appeal in near future, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. Criminal Application No. 1039 of 2026 stands allowed.
- II. The substantive sentence imposed on the applicant Rameshwar s/o Narsingrao Devkar in Atrocity Special Case No. 10 of 2019 by the Special Judge, Hingoli on 06.02.2026 stands suspended till the final hearing and disposal of Criminal Appeal No. 195 of 2026.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees 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 bail granted to the applicant.
- VII. Bail before the trial court.
- VIII. Criminal Application No. 1039 of 2026 is accordingly disposed off.
- IX. In Criminal Appeal No. 195 of 2026, issue notice to the respondents, returnable on 24.04.2026. Learned APP waives notice for respondent no.1-State.

[ABHAY S. WAGHWASE, J.]

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