



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1091 OF 2026
IN
CRIMINAL APPEAL NO. 206 OF 2026

Raj @ Anil S/o. Mahadev Dhage,
Age : 26 years, Occu. : Private Job,
R/o. Karanji, Tq. Manwat,
Dist. Parbhani.

... Applicant

Versus

The State of Maharashtra,
Through Officer In Charge,
Police Station Manwat,
Dist. Parbhani.

... Respondent.

.....

Mr. Shrikant G. Kawade, Advocate for Applicant.
Mr. B. B. Bhise, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 MARCH 2026

ORDER :

1. Instant application is for suspension of sentence and grant of bail by invoking section 389 of the Code of Criminal Procedure, against the judgment and order awarded by the learned Additional Sessions Judge-1, Parbhani in Sessions Trial No. 46 of 2023.

2. Learned counsel for applicant pointed out that, applicant was charge-sheeted and tried for an offence punishable under section 306 of Indian Penal Code (IPC) by the learned Additional Sessions

Judge, Parbhani vide Sessions Trial No.46 of 2023 and the trial ended up in conviction. The learned trial Court was pleased to convict the accused for offence punishable under section 306 of IPC and sentencing him for five years imprisonment.

3. It is further pointed out that, victim was grown-up girl of almost 20 years of age, who allegedly committed suicide for refusing to marry. He further pointed out that, the solitary piece of evidence before the trial Court was the suicide note. However, the FIR was lodged after 5 days of occurrence. According to him, there is a good case on merits, and therefore, applicant has preferred an appeal. The appeal being recent one, its hearing will take a long time. He makes a statement that during trial accused was on bail. He also makes a statement that applicant had been granted anticipatory bail and a copy of the same is placed on record. In the light of above, he urges for suspension of sentence and grant of bail.

4. Learned APP opposed on the ground that after 4 to 5 years of affair, there is refusing to marry and that was the sole reason for suicide. According to him, a suicide note was recovered, which is the part of charge-sheet, and on the basis of the same, learned trial Court has convicted the accused. He further submitted that, there is corroboration to the prosecution story in the form of friend of deceased, and as such, the trial Court after completing the analysis

has recorded the conviction. On above grounds, he opposes the relief of suspension of sentence and grant of bail.

5. After hearing the submissions of both sides and on going through the papers, it emerges that, present applicant faced trial in Sessions Trial No.46 of 2023 for charge under section 306 of IPC and ultimately he came to be convicted by judgment and order dated 09.03.2026 for the said offence and he is sentenced to suffer imprisonment for five years. Fine amount is said to be paid. A statement is made across the bar that during trial, applicant was on bail. Learned counsel for applicant has placed on record a copy of Anticipatory Bail passed by this Court. Appeal being of 2026 and there are no immediate prospect of hearing the same and considering the quantum of sentence, relief as prayed deserves to be granted. Hence, the following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant - Raj @ Anil S/o. Mahadev Dhage in Sessions Trial No. 46 of 2023 by learned Additional Sessions Judge-1, Parbhani on 09.03.2026 stands suspended till the final hearing and disposal of Criminal Appeal No.206 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 they tender bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicants 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 applicants.

VII. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)