



**THIS ORDER IS CORRECTED AND UPLOADED IN VIEW OF THE
ORDER DATED 24-04-2026.**

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

**20 CRIMINAL APPLICATION NO. 1131 OF 2026
IN REVN/109/2026**

BALAJI EKNATH BHUMARE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

WITH

CRIMINAL REVISION APPLICATION NO. 109 OF 2026

Mr. Pathan Ziya J., Advocate for the Applicant

Mr. S. N. Morampalle, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 20th APRIL, 2026

PER COURT :

1. The Applicant has moved the Application for suspension of judgement and order dated 09-03-2026 passed by the learned Additional Sessions Judge-1, Parbhani in Criminal Appeal No. 33/2023 confirming the substantive sentence awarded by the Learned Judicial Magistrate, First Class, Purna vide the judgment and order dated 27-06-2023 passed in RCC No. 35/2016 for commission of offences punishable under Section 354-C of the Indian Penal Code and the Applicant was directed to suffer simple imprisonment for a

period of one year and to pay fine amount of Rs. 5000/-. Also prayed for the release of the Applicant on bail.

2. Heard the learned Advocate for the Applicant and learned APP for Respondent and perused the impugned judgments and orders as well as the record.

3. At the outset, it appears that, during the pendency of the Trial and Appeal, the Applicant was on bail. After the learned Additional Sessions Judge passed the judgment and order dated 09th March 2026, the Applicant has preferred a Revision challenging the impugned order and also filed this Application against the said order. The learned counsel for the Applicant has placed reliance on the judgment passed by this Court in Ikba and Ors. Vs. The State of Maharashtra and Ors. reported in 2024 (3) Mh.L.J. (Cri) 315, to support his contention that there is no need to surrender the Applicant after the judgment is passed, but he can seek relief under Revision. The Applicant has paid the fine amount. Therefore, he urged the suspension of the substantive sentence and the release of the Applicant on bail.

4. It is pertinent to note that the Applicant has preferred the Criminal Revision Application challenging orders passed by both the courts below, and the same is pending. It will take time to decide finally.

5. Though the learned APP opposed the application on the ground that the learned Trial court, as well as the Appellate court, held that the Applicant had committed a serious crime. Therefore, the Applicant is not entitled to the relief. However, having considered the above discussion and gone through the judgments impugned, in my opinion, it would be appropriate to suspend the sentence awarded by the learned Trial court and confirmed by the Appellate court and release the Applicant on bail.

6. As a result, **the Application is allowed as prayed.**

7. Sentence awarded by the judgment and order dated 27-06-2023 passed by the Learned Judicial Magistrate, First Class, Purna in RCC No. 35/2016 for commission of offences punishable under Section 354-C of the Indian Penal Code and confirmed the same by the learned Additional Sessions Judge-1, Parbhani in Criminal Appeal No. 33/2023 vide Judgment and order dated 09-03-2026 is hereby suspended till the decision on the Revision Application.

8. The Applicant is to be released on furnishing PB and SB of Rs. 50,000/- [Rupees Fifty Thousand Only].

9. Bail before the learned Trial court.

10. The Application is disposed of.

CRIMINAL REVISION APPLICATION NO. 109 OF 2026.

1. Issue notice to the respondents, returnable on 30-06-2026.
2. Call Record and Proceedings of both the courts below.
3. It is made clear that the Revision will be heard finally at the admission stage.

[ABHAY J. MANTRI, J.]

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