



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

**912 CRIMINAL APPLICATION NO. 1292 OF 2026**  
**IN CRIMINAL APPEAL NO. 236 OF 2026**

Kalpana @ Shama d/o. Dhondiba Rathod,  
Age : 22 years, Occ. : Labour,  
R/o. : Aandegaonwadi, Bhoju Tanda,  
Tq. Mukhed, Dist. Nanded

**APPLICANT**

(Original Accused No.4)

**VERSUS**

The State of Maharashtra,  
Through Mukramabad Police Station,  
Dist. Nanded

**RESPONDENT**

...  
Mr. Sanket S. Palnitkar – Advocate for Applicant  
Mr. N.S. Tekale – APP for Respondent, State  
....

**CORAM : ABHAY S. WAGHWASE, J.**

**DATE : 10.04.2026**

**PER COURT :**

1. Present application is for suspension of sentence and grant of bail on account of conviction awarded by the learned Additional Sessions Judge, Mukhed in Sessions Case No.2 of 2024 for the offences punishable under Sections 324 and 506 read with 34 of Indian Penal Code ("I.P.C." for short).

2. Learned Counsel for the applicant submitted that, the present applicant is lady and was tried vide above Sessions case and was held guilty for above offences. He pointed out that, maximum sentence awarded is of one year i.e. for offences under Sections 324 and 506 of the I.P.C. That, applicant was on bail during trial. That, fine amount is paid. That, against said judgment and order of conviction, appeal has been preferred but there are no immediate prospects of hearing the appeal and on all above grounds, reliefs of suspension of sentence and grant of bail are urged for.

3. Learned A.P.P. opposed on the ground that, on full-fledged trial, charges are proved.

4. After considering above submissions and on going through papers, it is emerging that present applicant was tried vide Sessions Case No.2 of 2024 for commission of offence under Sections 302, 324, 323, 506 read with 34 of I.P.C. As pointed out, learned trial Court has sentenced applicant to suffer R.I. for one year for offence under Section 324 of the IPC and R.I. for one year for offence under Section 506 of the I.P.C. Further, it was directed that both the sentences shall run concurrently. Fine amount is also paid. Maximum sentence is of one year. Appeal against said judgment and order of conviction is of current year and

there are no immediate prospects of hearing the same. Taking the nature of accusations into account, the fact that applicant was on bail during trial and above uncertainty about hearing the appeal in immediate near future, relief as prayed deserves to be granted.

**ORDER**

- (i) Criminal Application is allowed.
- (ii) The substantive sentence imposed on the applicant – Kalpana @ Shama d/o. Dhondiba Rathod by the learned Additional Sessions Judge, Mukhed, in Sessions Case No.2 of 2024 dated 13.03.2026 stands suspended till final hearing and disposal of Criminal Appeal No.236 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, J. ]**

*Pooja Kale*