



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

**909 CRIMINAL APPLICATION NO. 1409 OF 2026
IN APEAL/261/2026**

VIKAS SHARANGDHARRAO MARDIKAR

VERSUS

THE STATE OF MAHARASHTRA

....

Mr. Ramankumar G. Dodiya, Advocate for the Applicant

Mr. V. V. Jahagirdar, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATE : April 23, 2026

ORDER :-

1. The instant application is for suspension of the sentence and grant of bail pursuant to the judgment and order of conviction dated 17.03.2026, rendered by the learned Special Judge, Gangakhed, District Parbhani, in Special Case (A.C.B.) No.4 of 2013.

2. Learned counsel for the applicant pointed out that the applicant is a Talathi and was tried vide above Special Case (A.C.B.) No.4 of 2013, for the offence under Sections 7, 13(1)(d) (2) of Prevention of Corruption Act. Applicant was convicted and sentenced to suffer imprisonment for one year and to pay fine.

That fine amount is paid. It is submitted that the applicant was on bail during trial. It is further submitted that after conviction, the trial Court has suspended the sentence till appeal period is over. He further submitted that the appeal is of 2026 i.e. of recent year and that there are no immediate prospects of hearing the appeal in near future. For all above reasons, he prays to suspend the sentence and grant bail to the applicant.

3. Learned APP strongly opposed on the ground that on full fledged trial and on the ground of sufficient proof, the case of prosecution has been accepted and conviction has been granted. Therefore, he prays for rejection of the application by taking recourse of the judgment and order of the Hon'ble Apex Court in the case of *Omprakash Sahni Vs. Jai Shankar Chaudhary and another, (2023) LiveLaw SC 389*.

4. Heard. Perused the papers. It appears that the applicant has faced trial vide Special Case (A.C.B.) No.4 of 2013 for commission of offence under Section 7, 13(1)(d)(2) of Prevention of Corruption Act. Vide judgment and order dated 17.03.2026, the applicant has been held guilty and sentenced to suffer imprisonment

of one year and pay fine of Rs.5,000/-. Fine amount is reported to be paid. The statement is made across the bar that the applicant was on bail during trial. Admittedly, the appeal is of 2026 and will take sufficiently long period to be heard and decided. Taking into account the nature of allegations and quantum of sentence, and as there are no immediate prospects of hearing the appeal in near future, relief as prayed for deserves to be granted. Hence the following order:-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Vikas Sharangdharrao Mardikar by the learned Special Judge, Gangakhed, District Parbhani in Special Case (A.C.B.) No.4 of 2013 dated 17.03.2026 stands suspended till final hearing and disposal of Criminal Appeal No.261 of 2026.
- (iii) The applicant be released on PR. 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.]

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