



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**908 CRIMINAL APPLICATION NO. 1412 OF 2026
IN APEAL/262/2026**

DEVIDAS HARIBHAU KALE
VERSUS
THE STATE OF MAHARASHTRA

....

Mr. K. N. Shermale, Advocate for the Applicant/appellant
Mr. Pramod D. Patil, APP for Respondent/State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 09th JUNE, 2026

PER COURT :-

1. Heard.

2. This is an application for suspension of sentence on account of conviction recorded by the learned Additional Sessions Judge, Sangamner, Dist. Ahmednagar in Sessions Case No.61/2020 dated 30/03/2026 recording guilt of the applicant for offence punishable under Sections 109 r/w 302, 109 r/w 307 and 109 r/w 506 of Indian Penal Code (IPC) and sentencing him to suffer imprisonment for ten years.

3. Learned Advocate for the applicant submits that the applicant is father of main accused. That, main accused has played overt act and only allegation against the applicant is that he has instigated his son to not to spare. Beyond this, there are no allegations against the applicant. That, during trial, the applicant was on bail. He

further submits that against the judgment and order, appeal has been preferred, but it being of 2026, there are no prospects of appeal being heard and decided in immediate future. For above reasons, he urges for suspension of sentence and grant of bail.

4. Learned APP strongly opposes the application on the ground that serious offence has been committed by the applicant and on full fledged trial, conviction has been recorded. He therefore prays for dismissal of the application.

5. Heard. Perused the papers, upon which it emerges that the role of applicant, aged 67 years who is father of main accused, is of merely instigating his son to not to spare and no other overt act having been played by him. Applicant was on bail during trial. Admittedly, appeal is of the year 2026 and considering that there are no immediate prospects of hearing the appeal in the near future, relief as prayed for, deserves to be granted. Hence, the following order:-

O R D E R

(I) Criminal Application stands allowed.

(ii) The substantive sentence imposed on the applicant Devidas Haribhau Kale by the learned Additional Sessions Judge, Sangamner in Sessions Case No.61/2020 dated 30/03/2026 stands suspended till final hearing and disposal of Criminal Appeal No.262 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.]

sjk