IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3465 OF 2026
IN
CRIMINAL APPEAL NO. 858 OF 2026

1. Vikas @ Vicky Sushil Chaudhary
2. Pawan Umesh Pandey ...Applicants-Appellants

Versus

The State Of Maharashtra And Anr ...Respondents

Mr. Taraq Sayed, a/w Ajay Mishra, Kusum Pandey, Jitendra Tiwari, and Divya Pandit, for the Applicants-Appellants.
Smt. R. S. Tendulkar, APP for the State.

CORAM : N. J. JAMADAR, J.
DATED : 9th OCTOBER, 2026

SANTOSH SUBHASH KULKARNI

Digitally signed by SANTOSH SUBHASH KULKARNI
Date: 2026.10.12 10:57:09 +0530

PC:-

Appeal/858/2026

1. Heard the learned Counsel for the appellants.

2. Admit.

3. Call R&P.

IA/3465/2026

4. This is an application for suspension of sentence and to enlarge the applicants on bail during the pendency of the appeal.

5. By a judgment and order dated 16th September, 2026, passed by the learned Additional Sessions Judge, Vasai, in Sessions Case No.88 of 2023, the applicants have been convicted for an offence punishable under Section 353 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and sentenced to suffer rigorous imprisonment for four years and pay fine of Rs.25,000/- each, with default stipulation.

6. The gravamen of indictment against the applicants was that the applicants in furtherance of their common intention assaulted the first informant using criminal force while he was discharging his official duties at Virar Police Station.

7. The learned Counsel for the applicants submitted that the applicants have fair chance of success in the appeal. As the applicants have been sentenced to suffer imprisonment for a term of four years only, the applicants be enlarged on bail.

8. The learned APP for the State opposed the prayer for suspension of sentence and release of the applicants on bail.

9. I have perused the material on record. Evidently, the applicants have been sentenced to suffer a fixed term sentence. Having regard to the large pendency of the cases in this Court, it is unlikely that this appeal can be heard within a reasonable

period. The applicants appear to have roots in society. Therefore, this Court is inclined to exercise the discretion in favour of the applicants and enlarge them on bail during the pendency of the appeal.

10. Hence, the following order:

: O R D E R :

(i) The application stands allowed.

(ii) The substantive sentence imposed by the learned Sessions Judge in Sessions Case No.88 of 2023 arising out of CR No. 945/2018 registered with Virar Police Station, stands suspended till the final disposal of the appeal.

(iii) The applicants - Vikas @ Vicky Sushil Chaudhary and Pawan Umesh Pandey, be enlarged on bail on furnishing a PR Bond in the sum of Rs.15,000/- and a surety in the like amount each, to the satisfaction of the learned Sessions Judge.

(iv) The applicants are permitted to furnish cash security of Rs.15,000/- each, in lieu of the personal surety, provisionally for a period of six weeks.

(vi) The applicants shall mark their presence at Virar Police Station, on the first Monday of November and May, every year, till the disposal of the appeal.

(vii) The applicants shall not tamper with the prosecution evidence and shall not give threat or inducement to the first informant and any other prosecution witnesses.

(viii) The applicants shall attend the proceedings in this appeal, as and when directed.

The application stands disposed.

[N. J. JAMADAR, J.]