

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
INTERIM APPLICATION NO. 35 OF 2026  
IN  
CRIMINAL APPEAL NO. 5 OF 2026**

Vijeta Uttamchandra Devpa

... Applicant

*Versus*

The State of Maharashtra

... Respondent

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Mr. Niranjan Mundargi i/b. Keral Mehta, Advocate for the Applicant.

Mr. P. P. Jadhav, APP for the Respondent-State.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 9<sup>th</sup> JANUARY, 2026.**

**P.C. :**

1. By this application, the applicant is seeking suspension of sentence.

2. It is contention of learned counsel for the applicant that applicant has been convicted under Sections 353, 332 and 333 of Indian Penal Code, 1860 (for short "IPC") and under Section 85 of Bombay Prohibition Act. During the trial applicant was on bail. The Trial Court has suspended the sentence. The maximum sentence imposed on the applicant is three years of rigorous imprisonment and total fine of Rs.15,000/-. The applicant has deposited the fine amount hence requested to allow the

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application.

3. Learned APP strongly objected to allow the application on the ground if applicant's sentence is suspended he may abscond, hence requested to reject the application.

4. I have heard both learned counsel. Perused impugned Judgment and order. The sentence imposed on the applicant is a short term sentence. During trial applicant was on bail. He has not misused liberty. Learned Trial Court has suspended the sentence. In view of above, I pass following order.

#### **ORDER**

- i. The substantive sentence imposed on the applicant in Sessions Case No. 40 of 2018 is suspended till disposal of the appeal.
  - ii. The applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
  - iii. The bail bond to be furnished before the Trial Court.
5. Interim application stands disposed of.

**(SHIVKUMAR DIGE, J.)**