

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No.893 Of 2015.
In
Criminal Revision Application No.30 Of 2015.

Devidas s/o Maroti Phad.
R/o.: Dhebewadi, Tal. Gangakhed,
Dist. Parbhani.

VERSUS

The State of Maharashtra.
Through Police Station, Gangakhed,
Tal. Gangakhed,
Dist. Parbhani.

Appearance =>

Mr. Aashish Jadhavar, Advocate for the Applicant.

Mr. D.R. Kale, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. DESHPANDE, J.**

DATE : **26th FEBRUARY, 2015.**

Per Court :-

This is an application for suspension of substantive jail sentence and for bail.

[2] The applicant is convicted by the Judicial Magistrate, First Class, (Court No.2)Gangakhed, Dist. Parbhani in Regular Criminal Case No.7 Of 2004 dated 2nd November, 2012 for the offence punishable under Section 324 of the Indian Penal Code and, he was directed to suffer rigorous imprisonment for six months and to pay fine of Rs.5000/- and in default in payment of fine amount, to suffer simple imprisonment for 15 days.

[2] Being aggrieved by the said judgment and order, the applicant has preferred Criminal Appeal No.28 Of 2012 in the Sessions Court at Gangakhed. The learned Additional Sessions Judge, Gangakhed vide his Judgment and Order dated 27th January, 2015 dismissed the said Criminal Appeal.

[3] During trial as well as during pendency of Criminal Appeal, the applicant was through out on bail and at any point of time, he has not misused the liberty granted to him. The duration of conviction is limited. After hearing the parties to the application and after perusing the impugned judgment, it is clear that the applicant has made out a case to enlarge him on bail, by suspending the substantive jail sentence. Hence, following order is passed :-

ORDER

- (i) Criminal Application No.893 Of 2015 is allowed.
- (ii) Substantive jail sentence imposed upon the applicant by the Judicial Magistrate, First Class, (Court No.2) Gangakhed, Dist. Parbhani in Regular Criminal Case No.7 Of 2004 dated 2nd November, 2012 for the offence punishable under Section 324 of the Indian Penal Code together with judgment dated 27th January, 2015 passed by the learned Additional Sessions Judge, Gangakhed, Dist. Parbhani in Criminal Appeal No.28 Of 2002, is hereby suspended.
- (iii) During pendency of present Criminal Revision Application, applicant - Devidas s/o Maroti Phad be released on bail on he executing PR Bond of Rs.5000/- [Rs.Five Thousand] with one solvent surety in the like amount.
- (iv) Bail before trial court.

(v) Applicant - Devidas s/o Maroti Phad is directed to remain present in this court, at the time of hearing of present Criminal Revision Application.

(vi) With this, Criminal Application No.893 Of 2015 is disposed of.

(V.M. DESHPANDE, J.)