

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

CRIMINAL APPLICATION NO. 2249 OF 2015

Kerba s/o Gopinath Gund Patil **.... APPLICANT**

V E R S U S

The State of Maharashtra **.... RESPONDENT**

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Mr. Rajendra S.Deshmukh, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp.- State.

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CORAM : V.M.DESHPANDE, J.

DATE : 28th APRIL, 2015

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PER COURT :

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

2. Heard Mr. Rajendra S.Deshmukh, learned counsel for Applicant and Mrs. S.G.Chincholkar, learned A.P.P. for Respondent - State.

3. Present applicant was convicted by learned trial Court in R.C.C. No. 236/1996 on 24/04/2009 and the applicant was directed to suffer rigorous imprisonment for one year and to pay fine of Rs. 500/- in so far as offence punishable u/s 420 read with 34 of the Indian Penal Code is

concerned. Applicant is also convicted for the offence punishable u/s 467,468,471 read with 34 of the Indian Penal Code and on that count he was directed to suffer rigorous imprisonment for one year and to pay fine of Rs. 500/-.

4. Being dis-satisfied with the order of conviction, applicant preferred Appeal before learned Sessions Judge. Said Appeal was registered as Regular Criminal Appeal No. 17/2009. It is to be noted that co-accused, who were also convicted by the learned trial Court, preferred Criminal appeal bearing Criminal Appeal Nos. 16/2009, 20/2009 and 21/2009. All these Appeals along with Appeal of the applicant were taken up for hearing by learned Additional Sessions Judge, Beed and by common Judgment dated 21/04/2015, learned Additional Sessions Judge dismissed all four Appeals and confirmed the order of conviction.

5. This Court has already admitted Revision challenging the correctness of the order passed by the Court below. Further, co-accused preferred Revisions before this Court. Their Revisions are registered as Revision No. 81 of 2015, 82 of 2015 and 83 of 2015 and this Court on 24/04/2015 has already suspended the substantive jail sentence and has released the said applicants on bail.

6. In that view of the matter, I propose to pass the following order :

(i) Present Criminal Application is allowed.

(ii) The substantive jail sentence imposed on the present applicant is hereby suspended.

(iii) Present Applicant be released on bail. Applicant shall executed P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iv) Applicant shall attend the Court of learned Magistrate once in six months. Upon failure to attend the Court, bail granted to the applicant shall stand cancelled.

(v) Applicant shall remain present before this Court at the time of final hearing of the present Criminal Revision Application.

(vi) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]