

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.793 OF 2015
IN
CRIMINAL APPEAL NO.674 OF 2015

Smt. Suman Maruti Repe
and others.

..Applicants

Versus

The State of Maharashtra

..Respondent

....

Mr. Prashant P. Jadhav, for the Applicants.

Mr. A.R. Patil, APP, for the State.

....

CORAM : A. R. JOSHI, J.

DATE : 10th JULY, 2015

P.C.

1. Not on board. Mentioned. Taken on production board.
2. Heard rival submissions on the application for bail during pendency of the appeal. The appellants are convicted for the offences punishable under Sections 3(1)(x) and 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and were sentenced to suffer SI for six months and fine of Rs.200/- each. They are also convicted for the offence punishable under Sections 452 and 354 of IPC and were sentenced to suffer SI for six months and to pay fine of Rs.200/- on each count. They are also convicted for the offence

punishable under Sections 323 and 504 of IPC and sentenced to suffer SI for three months and to pay fine of Rs.200/- on each count. In fact, for the offence punishable under Section 354 of IPC the minimum punishment is one year but in the impugned judgment and order of the trial Court, the punishment is given for this offence for six months which is *per se* illegal as after the amendment to Section 354 of IPC effective from February, 2013 the minimum punishment of one year is prescribed by law. That anomaly shall be cured subsequently.

3. However, now considering the prayer for grant of bail and considering that during the trial the applicants were on bail and even after conviction they were granted bail for the period of one month starting from 11th June, 2015, the present application is allowed and they are directed to be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. Application is disposed of accordingly.

(A. R. JOSHI, J.)