

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

**CRIMINAL APPLICATION NO. 2050 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 98 OF 2016**

1. Baban s/o Shankar Shinde,
 2. Suresh s/o Shankar Shinde,
 3. Sakharam s/o Govardhan Shinde,
 4. Balu s/o Dagdu Shinde,
 5. Tukaram s/o Govardhan Shinde,
- All r/o. Chousala, Tq. & Dist. Beed. ...Applicants
- versus
- The State of Maharashtra & anr ...Respondents

.....
Mr. M.P. Kale, Advocate for applicants
Mr. A.R.Kale, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE :7th APRIL, 2016

ORAL ORDER :

Heard.

2. The present applicants were convicted for the offence punishable under Sections 143, 147, 323 read with Section 149 of the Indian Penal Code vide Section 248(2) of the Code of Criminal Procedure and directed to suffer rigorous imprisonment of four

months and fine of Rs.500/- each, in default to suffer simple imprisonment for one month in respect of offence punishable under Sections 147 and 323 read with Section 149 of the Indian Penal Code, by learned Judicial Magistrate, First Class, Beed by judgment dated 20/06/2014 in Regular Criminal Case No. 204 of 2012.

3. In an appeal being Criminal Appeal No. 72 of 2014, the Additional Sessions Judge, Beed, by an order dated 06/04/2016 has maintained the conviction by confirming the judgment and order delivered by the learned Judicial Magistrate, First Class, Beed.

4. It is claimed by the present applicants that they had paid fine and were on bail before the trial Court.

5. Since the sentence is only for four months, it will be appropriate, in my opinion, to release the applicants on bail on the same terms on which they were admitted by learned trial Court. Hence, the following order:-

: O R D E R :

- (i) The substantive sentence is suspended.
- (ii) The applicants be released on bail, on the same terms,

on which they were admitted by learned trial Court.

6. The criminal application is allowed in above terms.

[N.W. SAMBRE, J.]