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

**CRIMINAL APPLICATION NO. 2289 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 109 OF 2016**

Suresh s/o Lalchand Sapkale,
Age: 71 years, Occu: Labour,
R/o.: Post. Sunoda, Taluka Raver,
Dist. Jalgaon

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr G. A. Kulkarni, Advocate for applicant;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st April, 2016

ORAL ORDER :

Heard.

2. By the present application, the applicant seeks suspension of substantive sentence and his release on bail.

3. Pursuant to the order of conviction passed by the learned Judicial Magistrate First Class, Raver, Dist. Jalgaon, in Regular Criminal Case No. 74 of 2009, by an order dated 9th October, 2014, convicted the present applicant for offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer simple imprisonment of six months and fine of Rs. 5,000/-. The learned Magistrate also ordered compensation of 3,000/- from the recovered amount of fine, to the informant.

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4. The appeal before the learned Additional Sessions Judge, Bhusawal, came to be dismissed by an order dated 11th April, 2016 in Criminal Appeal No. 239 of 2014.

5. It is informed that the applicant has deposited the fine amount and has surrendered pursuant to the order of dismissal of appeal.

6. Having regard to the fact that applicant-accused is a senior citizen, aged about 71 years and was on bail during the trial before the learned Magistrate, so also before the lower appellate Court, and has not misused the liberty, in my opinion, the applicant is entitled to be released on bail. Hence, I pass following order :

(a) Applicant be admitted on bail on the same terms as were imposed by the learned Court below while granting bail.

(b) The substantive sentence imposed on the applicant shall stands suspended

6. Criminal Application stands allowed in above terms. Hamdast Allowed.

(N.W. SAMBRE, J.)