

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

**CRIMINAL APPLICATION NO.2206 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.111 OF 2017**

Ramesh Vedusing Girase .. Applicants
and others

Versus

The State of Maharashtra .. Respondent

Mr.R.S. Shinde, Advocate h/f Mr. Yogesh B.Bolkar,
Advocate for the applicant
Mr.K.S. Hoke Patil, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 28.04.2017**

P.C. :-

. The applicants have moved this application seeking suspension of sentence and release on bail during the pendency of the revision petition on the grounds set out in detail in the application.

2. The applicants were tried for offences punishable under Sections 451,504,506 r/w 34 of the Indian Penal Code. On conclusion of the trial they were convicted for committing the offences under Section 323, 451 & 506 r/w 34 of the Indian Penal Code. For committing said offences they were separately sentenced to suffer

S.I. for three months and fine of Rs.500/- each and in default of payment of fine to undergo S.I. for 10 days. Being aggrieved the applicants preferred the appeal before the Sessions Court. In Appeal the Sessions Court acquitted the accused for committing offence under Section 506 of the Indian Penal Code. Their conviction under Sections 323 and 451 of the Indian Penal code maintained. However substantive sentence awarded reduced from three months to one month. Being aggrieved the applicants have preferred the revision petition. The revision petition has been admitted. Pending disposal of revision petition the applicants have urged to sustain the sentence and to enlarge on bail.

3. In nutshell it is the contention of the learned counsel for the applicants that the judgment and order passed by the Courts below are not sustainable in law. He submits that there is no cogent, convincing and reliable evidence to sustain the conviction. Due to improper appreciation of evidence serious miscarriage of justice has been resulted to the applicants. He, therefore, urged to release the applicants on bail. Otherwise the very purpose of filing the revision petition would be frustrated.

4. Learned APP opposed the application and submits

that there are concurrent findings on facts recorded by the Courts below and therefore the revision petition may not be entertained.

5. Upon considering the submissions advanced, the nature of offence, sentence awarded by the trial Court and grounds raised in the revision petition, I am of the view that pending disposal of the revision petition the applicants deserves to be released on bail. It may not be possible to immediately take up the revision petition for final hearing. In case the substantive sentence is not suspended the revision petition may become infructuous, therefore, I am inclined to pass the following order.

ORDER

I) Application is allowed in terms of prayer clause-C.

II) Pending disposal of revision petition the execution of substantive sentence awarded to the applicants stands suspended subject to deposit of fine.

III] Pending disposal of revision petition the applicants namely Ramesh Vedusing Girase,

Vedusing Thansing Girase, Adhar Thansing Girase and Kiran Adhar Girase be released on bail on their furnishing bail in the sum of Rs.25,000/- each with one surety in like amount on the following conditions.

- a) The applicants shall mark their attendance before the Police Inspector, Police Station Sarangkhedha, Tq. Shahada, Dist. Nandurbar every month of last day in between 10.00 a.m. to 11.00 a.m. till final disposal of the revision petition.
- b) The applicants shall furnish the names and addresses of their 3 close relatives with phone numbers.
- c) The applicants shall not cause threat to complainant and other prosecution witnesses.
- d) In the event of change in address the applicants shall intimate concerned Police Station as well as this Court.
- e) During pending of the revision petition the applicants shall not involve in any criminal case.

IV) In the event of breach of any of

the conditions, the bail granted to the applicants liable to be canceled.

V) Bail to be furnished before the trial Court. In case the bail is not furnished before the trial Court within two weeks from the date of this order, the order of suspension of sentence stands recalled and canceled.

VI) The trial Court is directed to report the compliance of furnishing of bail within three weeks to this Court.

VII) The Police Inspector, Police Station Sarangkhedda, Tq. Shahada, Dist. Nandurbar is directed to submit the report of compliance of conditions of bail after every six months till final disposal of the revision petition.

[V.L.ACHLIYA, J.]