

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

**CRIMINAL APPLICATION NO. 2809 OF 2017  
IN  
CRIMINAL APPEAL NO. 229 OF 2017**

Chhotu Maharu Patil & Ors. **..... APPLICANTS**

**V E R S U S**

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

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Mr. V.P.Patil, Advocate for Applicants.

Mr. G.O.Wattamwar, A.P.P. for Resp. - State.

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

**DATE : 12th JUNE, 2017**

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**ORDER :**

1. The applicants have moved this application seeking suspension of sentence and release on bail during pendency of Appeal, for the reasons set out in detail in the application.

2. Heard the learned counsel for the applicants, A.P.P. for the respondent – State and further perused record and proceedings.

3. The applicants were tried for committing offences punishable u/s 143,147,323,504,506 read with section 149 of the Indian Penal Code and u/s 3 [1] [x] of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 [for short, 'S.C. & S.T. Atrocities Act']. On conclusion of trial, the applicants are held guilty of said offences and for committing offence u/s 3 [1] [x] of the S.C. & S.T. Atrocities Act, the applicants are sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 2,000/- [Rupees Two Thousand] each and for committing offences u/s 143,147,323,504,506 read with section 149 of the Indian Penal Code, the applicants are sentenced to suffer rigorous imprisonment for six months and to pay fine amount.

4. Learned counsel for the applicants submits that the reasons and findings recorded by the trial Court are perverse. He submits that the applicants have good case to succeed in Appeal. He further submits that during

the trial, the applicants were on bail and in order to prefer Appeal, the trial Court has suspended the sentence.

5. Learned A.P.P. opposed the application with the contention that looking to the nature of the offence committed by the applicants and the sentence awarded, the request for releasing them on bail may not be entertained.

6. Looking to the nature of the offences committed by the applicants and the sentence awarded, I am of the view that during the pendency of Appeal, the applicants deserve to be enlarged on bail. During the trial, the applicants were on bail. It is nowhere the case of the prosecution that during trial, the applicants have misused the conditions of bail. Maximum sentence awarded is of two years. In case, if the sentence is not suspended and applicants are not enlarged on bail, then there is every possibility that the Appeal may become infructuous. Looking to the huge pendency, it may not be possible to take up the Appeal immediately for final hearing. I am, therefore, inclined to allow the application and pass the following order.

**ORDER**

[1] Pending disposal of the appeal, the execution of substantive sentence stands suspended subject to deposit of fine amount by the applicants.

[2] Applicant Nos. 1 to 10 be enlarged on bail on their furnishing bail in the sum of ₹ 25,000/- [Rupees Twenty Five Thousand] each with one or two sureties in like amount on following conditions.

[i] Pending disposal of the Appeal, the applicants shall appear and record their appearance before the Police Inspector of Dharangaon Police Station, Dist. Jalgaon on 2<sup>nd</sup> Sunday in each month in between 5.00 to 8.00 p.m.

[ii] The applicants shall not leave Dongaon city without intimating the Police Inspector of Dharangaon Police Station, Dist. Jalgaon.

[iii] The applicants shall not indulge in the commission of any criminal offence.

[iv] The applicants shall furnish the names and addresses of their three (3) close relatives.

[3] In case of breach of any condition, the bail granted to the applicants shall be liable to be cancelled.

[4] Police Inspector of Dharangaon Police Station, Dist. Jalgaon is directed to submit the report in respect of compliance of conditions after every six months.

[5] Bail to be furnished in the trial Court within the period of suspension as ordered by the trial Court or within one week from the date of order. Failure to furnish the bail within the stipulated period, the order of grant of bail stands cancelled. Compliance report be sent to this Court.

**[V.L.ACHLIYA, J.]**